**In The Hon'ble Court Of Ld. District Judge Shimla**

Application No.: \_\_\_\_\_\_of 2004 in\_\_\_\_\_\_ No.:\_\_\_\_\_\_

Applicant/\_\_\_\_\_\_

Versus

Respondents/Non-applicants

Application under Order 5 Rule 20 read with section 151 CPC for the substituted service of the Respondent No.\_\_\_\_\_\_

Respectfully Sheweth:

1. That the present applicant has filed above case\_\_\_\_\_\_ in this Hon'ble Court, hearing whereof will take some time.

2.  That despite the best efforts by the \_\_\_\_\_\_/applicants to get the respondent No.\_\_\_\_\_\_ served, the service has not yet been effected.  It appears that respondent No.\_\_\_\_\_\_ is avoiding and evading service of summons.  The last known address of the respondent No.\_\_\_\_\_\_ is the same as given in the memo of parties.

3.  That despite repeated efforts by the \_\_\_\_\_\_/applicant to get the Respondent No. \_\_\_\_\_\_ served in ordinary course and the report of the process server would go to show that the respondent No.\_\_\_\_\_\_ is avoiding service of summons.

4.  That the Respondent No.\_\_\_\_\_\_ can not be served in the ordinary course and as such the Respondent No. \_\_\_\_\_\_ may be ordered to be served by the substituted service by means of affixation on the last known address as given in the memo of parties or by beat of drum and by proclamation or by publication in some newspaper, preferably 'Himachal Times', which is in wide circulation in the locality the respondent No.\_\_\_\_\_\_ is residing or last resided or through any other mode, this Hon'ble Court may deem fit and proper.

5.  It is, therefore, most respectfully prayed that this application may kindly be allowed and the orders may kindly be passed to serve the Respondent No. \_\_\_\_\_\_ by way of affixation on the last known address, or by beat of drums or by way of proclamation or by publication in local news paper, preferably "Himachal Times' in the interest of justice.  Such other orders be also passed in favour of the applicant as deemed fit and proper by this Hon'ble Court in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPLICANT AS IN DUTY BOUND, SHALL EVER PRAY.

Shimla                                                                                                  Applicant

\_\_\_\_\_\_                                                                                    Through, Advocate,

**IN THE HON'BLE COURT OF LD. DISTRICT JUDGE SHIMLA**

Application No.:\_\_\_\_\_\_ of 2004 in \_\_\_\_ No.: \_\_\_\_

Applicant/\_\_\_\_\_\_\_

Versus

Respondents/Non-applicant

Affidavit in support of application under Order 5 Rule 20 read with section 151 CPC

I, \_\_\_\_\_\_, do hereby solemnly affirm and declare as under:-

1.  That the accompanying application has been prepared and drafted under my instructions.

2.  That the contents of paras 1 to \_\_\_\_\_\_ of the accompanying application are correct and true to the best of my knowledge.

3.  That I further solemnly affirm and declare that the contents of this affidavit of mine are correct and true to the best of my knowledge and belief and nothing material has been concealed therein.

     Affirmed here at Shimla this \_\_\_\_\_\_.

                                                              Deponent