**In The Court Of Ld. Senior Sub Judge Shimla**

In the matter Of:

Applicant

VERSUS

Respondents

Application under Order 5 Rule 20 read with section 151 CPC for the substituted service of the defendant no :

Respectfully Sheweth:

1. That the petitioner has filed the above suit in this Hon'ble Court, hearing whereof will take some time.

2. That despite the best efforts by the plaintiff/applicant to get the defendant No. \_\_\_\_\_\_ served, it appears that defendant No. \_\_\_\_\_\_ is avoiding service of summons.  The last known address of the defendant No. \_\_\_\_\_ is the same as given in the Memo of Parties.

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

4. That defendant No. \_\_\_\_\_ can not be served in the ordinary course and as such the defendant 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, by beat of drum and by proclamation, by publication in some daily newspaper, preferably 'HT', which is in wide circulation in HP and through any other mode, this court deems fit and proper.

5. It is, therefore, most respectfully prayed that this application may be allowed and during the pendency of this writ, the operation of impugned order be stayed in the interest of justice.  Such other orders be also passed in favour of the petitioner 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                                                                                      Petitioner

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

**BEFORE THE LD. COURT OF SENIOR SUB JUDGE SHIMLA**

In the matter of:

Applicant

VERSUS

Respondents

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 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 this affidavit of mine is correct and true and no part of it is false and nothing material has been concealed therein.

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

Deponent