**Affidavit with Application for substituted service of summon order V Rule 20 CPC.**

**Format of Affidavit with application for service of summon by substituted service.**

Application for substituted service of summon should be supported with affidavit. Sometimes the Defendants avoid receiving summon and the summon may be affixed on the door of his house. As per Order V Rule 20 of Code of Civil Procedure, Summon can be served through Substituted Service. In such circumstances application for substituted service of summon must be filed to get the summon served to the Defendant.

Sample Format of Affidavit to be attached with application for substituted service of summon is given below:

**IN THE COURT OF \_\_\_\_\_\_\_\_\_\_\_\_, NEW DELHI**
**CS OS NO. \_\_\_\_ OF 20\_\_**

**IN THE MATTER OF :**
MR. \_\_\_\_\_\_\_\_\_\_\_\_\_\_                                         **PLAINTIFF**

**VERSUS**

MR. \_\_\_\_\_\_\_\_\_\_\_\_\_\_           **RESPONDENT**

**AFFIDAVIT**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, son of Shri. \_\_\_\_\_\_\_\_\_\_\_\_\_\_, aged about \_\_ years, resident of \_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, New Delhi-\_\_\_\_\_\_, do hereby solemnly affirm and declare as under:-

1 . That I am the Plaintiff in the abovementioned suit and as such am fully acquainted with the facts deposed to below.

2. That the summons in this suit have been issued to Defendant at his residence at and were returned un served with the report that the defendant is not in his house.

3 That when the summons were taken out again on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ was returned with the report of the Court's summons server that the defendant is not available and the summons were affixed on the door of his house.

4. That the defendant Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_ is intentionally avoiding service of the summons to harass the plaintiff.

5. That in the interests of justice, it is necessary that the summons be served by registered post, and if the court deems necessary that the service of the summons be also effected through the newspapers, the plaintiff is ready to defray the expenses for the service of summons by post and/or by advertisement in the newspaper.

**DEPONENT**

**VERIFICATION**
Verified at \_\_\_\_\_\_\_\_ on this day of, \_\_\_ that the contents of my above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

**DEPONENT**

## Order V Rule 20 of Code of Civil Procedure 1908

**Rule 20 Order V "Substituted services"**

(1) Where the Court is satisfied that there is reason to believe that the defendant is keeping out of the way for the purpose of avoiding service, or that for any other reason the summons cannot be served in the ordinary way, the Court shall order the summons to be served by affixing a copy thereof in some conspicuous place in the Court-house, and also upon some conspicuous part of the house (if any) in which the defendant is known to have last resided or carried on business or personally worked for gain, or in such other manner as the Court thinks fit.

(1A) Where the Court acting under sub-rule (1) orders service by an advertisement in a newspaper, the newspaper shall be a daily newspaper circulating in the locality in which the defendant is last known to have actually and voluntarily resided, carried on business or personally worked for gain.

(2) Effect of substituted service-Service substituted by order of the Court shall be as effectual as if it had been made on the defendant personally.

(3) Where service substituted, time for appearance to he fixed -Where service is substituted by order of the Court, the Court shall fix such time for the appearance of the defendant as the case may require.