

IN THE COURT OF CIVIL JUDGE (SR. DIV.), KAHALGAON
Present – (Amit Kumar Sharma)

T.S. NO.- 79/2019

Tej Narayan Singh and others.....Vs.....Dina Hasada

06.01.2023

Attendance has been filed on behalf of plaintiff, on call Ld. Counsel of plaintiff appeared before the court and stated that in this case all processes have been exhausted for the appearance of defendants but the defendants have not turned up, therefore ex-parte order may be passed against them.

On perusal of the record this court finds that Nazarat summons were issued for the appearance of defendants. Service report of which is on record.

Plaintiffs have also got registered summons issued against the defendant, postal receipts of which are also available on record, these registered summons have not returned in this court unserved. There is a presumption of law that if registered summons have not been received unserved then it would be presumed that registered summons have been served properly.

Moreover the track-cum-service-report downloaded from the postal Website have also been filed according to which the delivery has been confirmed.

In present facts and circumstances it is clear that the plaintiffs have exhausted the processes to ensure the attendance of defendants and this court is satisfied from the service reports of these processes, there is also a presumption in favour of plaintiff with respect to the service of registered summons, consequently after being satisfied from the service of above mentioned processes, this court directs that proceedings of this case will be ex-parte against the defendants.

The case is fixed on.....for further proceedings.

Sd/-

(Amit Kumar Sharma)
Civil Judge(Sr. Div.), Kahalgaon

