

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

T.S. NO.- 145/2021

Md. Suleman.....plaintiff

V/s

Md. Allauddin.....Defendants

07.02.2023

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 defendant No. 2 but the defendant No. 2 have not turned up, therefore ex-parte order may be passed against them. Attendance and fresh Vakalatnama has been filed on behalf of defendant No. 1.

On perusal of the record this court finds that Nazarat summons were issued for the appearance of defendant No. 2. Service report of which is on record.

Plaintiffs have also got registered summons issued against the defendant No. 2, 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.

In present facts and circumstances it is clear that the plaintiffs have exhausted the processes to ensure the attendance of defendant No. 2 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 defendant No. 2.

The case is fixed on 23.03.2023 for further proceedings.

Sd/-

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

