

T.S. - 889/24 CNR – WBCC0103768-2024

Present: Sri Jayanta Koley, Judge, Bench-II. (WB00562)

Order 14

03.12.24

The record is put up today on the basis of a petition filed on behalf of the plaintiff, who by filing an application u/o 5 Rule 20 (1) & 1(A) read with section 151 CPC has prayed for passing necessary order allowing him to cause substituted service of summons upon the defendant by publication in any daily Hindi newspaper on the ground that the defendant is keeping himself out of the way to avoid service of summons of this suit upon him.

Heard the Ld. Advocate for the plaintiff in respect of the said application.

It appears from the record that the summons sent to the address of the defendant through court could not be served directly upon the defendant on account of his absence for which the same was affixed on the outer door of the address of the defendant while the summons sent to the address of the defendant by post returned unserved as the defendant could not be located.

In view of the above position, it will not be unreasonable or unjust to hold that the defendant is intentionally keeping himself out of the way with the motive to avoid service of summons of this suit upon him.

In such circumstances it is obvious that the plaintiff has no other alternative to but to effect service of summons of this suit upon the defendant in the manner as prayed for in the said application.

Considered as above, I am inclined to allow the said application.

Hence it is

Ordered

that the application of the plaintiff filed this day u/o 5 Rule 20(1) & 1(A) read with section 151 CPC is hereby allowed.

The plaintiff is permitted to cause substituted service of summons of this suit upon the defendant by way of publication in any daily Hindi newspaper widely circulated in and around the address of the defendant fixing 29.1.25 for taking necessary steps by the plaintiff in that respect.

D/C by me

Judge

Judge 2nd Bench