

M.S. 560/23 CNR – WBCC01-006949-2023

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

Order 06

18.01.24

Today is fixed for hearing of the application of the plaintiff u/o 5 Rule 20 (1A) CPC dtd 17.11.23.

The plaintiff files hazira.

Heard the Ld. Advocate for the plaintiff.

Perused the said application, whereby the plaintiff has prayed for effecting substituted service of summons of this suit upon the defendant no 2 by way of newspaper publication on the ground that the said defendant is keeping himself away in order to avoid service of summons of this suit upon him.

Considered the submission of the Ld. Advocate for the plaintiff. Perused the report of the Bailiff as well as the track consignment report of the postal department in respect of the summons returned unserved upon the defendant no 2.

At the same time it appears that the summons sent through post to the defendant no 1 has returned after service as it is revealed from the relative track consignment report of the postal department. Despite the same, the defendant no 1 has not entered appearance in this suit.

Upon considering the submission of the Ld. Advocate for the plaintiff and regard being had to the outcome of the attempts of the service of summons upon the defendant no 2, it is quite reasonable to believe that he is intentionally keeping himself away from the service of summons of this suit for some oblique motive.

Accordingly the prayer of the plaintiff bears merit and is entitled to succeed.

Hence it is

Ordered

that the application of the plaintiff dtd 17.11.23 u/o 5 Rule 20 (1A) CPC is hereby allowed.

The plaintiff is permitted to cause substituted service of summons of this suit upon the defendant no 2 by publication of the same in any Bengali Newspaper widely circulated in or around the address of the defendant no 2.

The plaintiff is accordingly directed to take necessary steps for filing draft copy of notice for verification and approval by 29.2.24.

The suit shall henceforth proceed exparte as against the defendant no 1

D/C by me

Judge

Judge 2nd Bench