

T.S. 1188/18 CNR – WBCC01-004444-2018
Present: Sri Jayanta Koley, Judge, Bench-II. (WB00562)

Order 31
17.01.24

Today is fixed for taking proper steps upon the defendant no 3 by the plaintiffs.

Plaintiffs file hazira along with an application u/o 5 Rule 20 of the CPC. Copy has been served upon the contesting defendant nos 1(a), 1(b), 1(c), 2, 4 and 5, who also file hazira.

Now on consent of both the sides, the application of the plaintiffs filed this day is taken up for consideration. Heard the Ld. Advocates for both the sides.

Perused the application, whereby the plaintiffs have prayed for passing necessary order to effect substituted service of summons of this suit upon the defendant no 3 through news paper publication in terms of the provision of Order 5 Rule 20 CPC as despite issuance of summons upon the said defendant in both ways on several occasions those could not be served upon him in view of the fact that he is keeping himself away intentionally to avoid the service of summons of this suit upon him.

No objection is raised against the said prayer from the side of the defendants on record.

Upon going through the record it appears that summons in both ways were sent to the address of the defendant and the same could not be served on the ground that he remained absent from his address whenever the Bailiff or the postal Peon tried to approach him for causing service of summons. In that perspective it is quite reasonable to believe that the said defendant no 3 is intentionally keeping himself away with a view to avoid service of summons upon him.

In the context of the above position, the prayer of the plaintiffs appears to be reasonable and calls for a favourable response.

Hence it is

Ordered

that the application of the plaintiffs filed this day u/o 5 Rule 20 CPC is hereby allowed.

Plaintiffs are permitted to cause substituted service of summons upon the defendant no 3 by publication in any Bengali Newspaper widely circulated in or around the address of the defendant no 3 for which they are directed to submit draft copy of notice for verification and approval by 19.2.24.

D/C by me

Judge 2nd Bench

Judge 2nd Bench