

Title Appeal No. 29 of 2014

25/21.01.2019

Appellants file hazira.

Hazira is filed on behalf of the respondents.

Today is fixed for hearing of the application under Order-41, Rule 14(4) of the Code of Civil Procedure filed by the appellants on 30.05.2014.

By filing the application referred to above, the appellants pray for exemption from causing service of notice upon respondent Nos. 3,4,5 & 9.

Heard the learned Advocates of both sides.

Perused the application.

Learned Advocate appearing for the other respondents submits that it is undisputed that respondent Nos. 3,4 and 5 did not appear in the Court of Civil Judge(Jr.Divn.), Addl. Court, Tamluk to contest the Title Suit being No. 24 of 2008. But, the respondent No.9 was not a party to the said Title Suit.

On scrutiny of the L.C.R. and the decree of the Title Suit No. 24 of 2008, I find that respondent Nos. 3 to 5 did not appear and contest the case. Therefore, keeping in view the provision of Order-41, Rule 14(4) of the Code of Civil Procedure, I am of the view that exemption from causing service of notice in respect of petitioner Nos. 3 to 5 may be granted. But, no such exemption can be granted in respect of respondent No.9 as he was not impleaded as party to the Title Suit referred to above. So, the application dated 30.05.2014 is allowed in part. Appellants are exempted from taking steps from causing service of notice upon respondent Nos. 3,4 & 5.

Respondents are at liberty to take proper steps in respect of respondent No.9. On further scrutiny of the record, I find that no notice has yet been served upon State of West Bengal represented by Collector, respondent No.6. So, respondents are directed to take fresh steps upon respondent No.6 within 7 days from this date.

The Appellants are also directed to take fresh steps in respect of respondent No. 9 by the next date.

To 26.03.2019 for S/R of notice.

Dictated and corrected by me,

Sd/- K. Bhattacharyya

Dist. Judge,
Purba Medinipur.

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District Judge,
Purba Medinipur.