

Title Appeal 30/19

Order no. 29 dt. 02.02.24

Today is fixed for appearance and hearing of the petition under O 5 Rule 20 of CPC.

Appellant files hazira.

Heard Ld. Advocate for the appellant.

The record is taken up for order.

Perused the petition and other materials on record.

It is mentioned in the petition that this appellant preferred this appeal against judgment and decree in connection with T.S no. 145/2001. The respondent no. 1 has contested the original suit but the notice of the appeal could not be served upon the said respondent though notice was issued several times as per direction of the court and postal receipts were also filed to show that the appellant caused service of notice to the respondent no. 1.

Considering all aspects, this court is of the view that the respondent no. 1 is trying to avoid the court proceeding. So, the prayer is hereby **allowed** for proper adjudication of the case.

Hence,
it is

ordered :

that the petition filed by the appellant is hereby allowed but without cost.

The appellant is directed to serve the notice through the well circulated news paper in the locality of respondent no-1.

To 18.04.2024 for filing news paper.

The appellant is directed to file draft copy in the mean time for verification.

Dic. & corr. by me:

sd/-
Addl. Session Judge
2nd Court, Tamluk
J.O code. WB00755

sd/-
Addl. Sessions Judge
2nd Court, Tamluk