

Order No. 17 dated 07.01.2025

Today is fixed for hearing of petition dated 15.7.23 filed by the appellant.

Petitioner and O.P. have filed hazira on this day.

The record is now taken up for hearing of the said petition and order.

Ld Advocate while moving the petition dated 15.7.23 filed by the petitioner/appellant under Order 11 Rule 12 read with sec. 151 of the CPC submitted that the appellant is unable to serve the notice of this appeal upon the respondent No.2 and that the other respondents are close relatives of this respondent. He prayed that the interrogatories mentioned by him in his petition i.e. what is the current address of the respondent No. 2 be disclosed by the other respondents. He prayed for allowing the said petition for compelling the O.P. to answer his interrogatories.

Ld Advocate for the O.P. raised strong objection to the said prayer submitting therein that the petition was a waste of time and was just made for delaying the hearing of this appeal as similar interrogatories were made by the appellant in the ld trial court which was rejected by the ld trial court and then he made necessary prayer for substituted service which was allowed. He prayed for dismissal of the said petition.

Heard both the sides. Perused the petition and record. Considered.

It is apparent that the interrogatories furnished by the appellant pertains to knowing the present address of the respondent No. 2. During hearing of this appeal, the respondent No. 1 submitted that he does not know the present address of the respondent No. 2 as he has already left the premises and his whereabouts are unknown. In such a scenario, the interrogatories, if allowed, would not yield any desired result. Moreover, the respondent No. 1 cannot be compelled to disclose the present address of the respondent No. 2 and it is the duty of the appellant to gather the same and take necessary steps in the alternative. As the interrogatories is found not necessary for the adjudication of this appeal, the prayer of the appellant made under Order 11 Rule 12 read with sec. 151 of the CPC is hereby considered and dismissed.

Appellant is directed to take necessary/fresh steps to serve the notice of this appeal upon respondent No. 2.

To 21.03.2025 for S.R. of respondent No. 2.

Dict. & corr. By me.

Sd/-
Addl. District Judge, 2nd Court,
Serampore, Hooghly.

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Serampore, Hooghly.

