

Title Appeal No. 19 of 2017
CNR No. WBHW01-003191-2017

Present : Sri Somesh Prasad Sinha (J.O Code : WB00720)

Order No. 42, dated : 04.06.2026.

Today is fixed for S.R and A.D upon O.P No.3 and 4.

The petitioner files hazira through Ld. Advocate.

The O.P file hazira through Ld. Advocate.

Ld. Advocates of both sides.

On perusal of the case record, it appears that one postal envelope containing the summons with regard to respondent No.3, namely, Smt. Sikha Ghosh has been returned with the postal endorsement, 'Left addressee without instruction.'

Perused the endorsement. Considered.

The endorsement 'Left addressee without instruction' amounts to good service.

Hence, the suit will proceed ex parte against respondent No.3, namely, Smt. Sikha Ghosh.

At this stage, Ld. Advocate for the petitioner submits that one petition dated 02.05.2024 praying for paper publication against respondent No.4 Rekha Ghosh has been still left to be disposed in this case record and accordingly, he prays for disposal of the same.

Now, the case record is taken up for hearing of the petition praying for paper publication.

Ld. Advocate for the petitioner submitted that the petitioner has filed the instant suit praying for granting of the Will dated 18.10.2012 and summons have been served against the all respondents, except respondent No.4, namely, Rekha Ghosh and the petitioner has sent summons through court process as well as through postal service on the address of the respondent No.4 as noted in the cause tile of the suit, which is the correct address of the respondent No.4, but both time, summons could not be served upon the said respondent as the respondent No.4 is willfully avoiding service. Hence, he prays for allowing the petition praying for paper publication.

Heard. Considered.

Perused the petition as well as the case record, weherefrom, it appears that summons through postal process has been returned without serving the same upon the respondent No.4, namely, Rekha Ghosh with the noting 'Can't be located' and the summons through court process is also returned unserved.

In view of the above facts and circumstances of this case, I am of the considered view that the petition praying for paper publication against respondent No.4 should be allowed for the ends of justice.

Hence, the petition 02.05.2024 is hereby allowed on contest.

The petitioner is directed to publish notice in the daily newspaper 'Anandabazar Patrika' circulating in the area of the residence of the respondent No.4 as noted in the cause title of the suit.

The petitioner is directed to file the draft copy of paper publication by the next date.

Fix 09/07/2026 for filing draft copy of the paper publication.

Dictated & Corrected by me.

A.D.J, 1st Court, Howrah.

Additional District Judge,
1st Court, Howrah.

