

Title Appeal No. 93 of 2024
CNR NO. WBHW01-003265-2024
Present: Abhijit Som,
District Judge, Howrah.
J.O. Code – WB01127

Order No. 11 dated 03.09.2025.

An application supported by affidavit is filed by the appellant with the prayer that the appeal may be proceeded ex parte.

It is submitted that in spite of service of notice through Regd. Post with acknowledgement due, the same is returned unserved. In case of the respondent no. 1, the postal peon remarked 'refused' and in case of the respondent no. 2, it is remarked that 'the addressee cannot be located'.

In support of his submission, learned Advocate on behalf of the appellant cited a decision of the Hon'ble Supreme Court in **C.C. Alavi Haji v. Palapetty Muhammed & Anr. 2007(2) CLJ(SC) 153**. It is observed by the Hon'ble Apex Court that *when a notice is sent by registered post and is returned with a postal endorsement 'refused' or 'not available in the house' or 'house locked' or 'shop closed' or 'addressee not in station', due service has to be presumed in view of Sec. 27 of G.C. Act.*

Having considered the submission of the learned Advocate and on perusal of the case record, the prayer of the application filed today is allowed and the appeal shall be heard ex parte against the respondents.

Call for L.C.R.

Fix 12.12.2025 for L.C.R.

Dictated & corrected by me.

D. J.

District Judge, Howrah.