

Order dated 04.02.2026

Today is fixed for SR of notice issued upon OP.

Received notice sent through court without service with report that the person summoned could not be recognized by the local people.

Ld counsel for the Petitioner is present.

An application is filed by the petitioner for effecting substituted service of notice through paper publication.

On perusing the record it is appear that the OP could not be served notice through the procedure envisaged under order 5 rule 9 CPC.

It is submitted by the Ld counsel for the petitioner that the OP is intentionally keeping out of the way to avoid service of notice through court. In such circumstance the notice should be served upon the OP through substituted service.

Considering the above aspect this court think it apt to allow the prayer of petitioner under order 5 rule 20 CPC for service of notice through paper publication.

Hence, it is

**ORDERED**

That the prayer of the Petitioner under order 5 rule 20 1(A) CPC is allowed for the purpose of service of notice upon the OP through paper publication.

The Petitioner is directed to publish notice in a widely circulated daily news paper of the locality where the OP is last known to have resided or carries on business.

The Petitioner is directed to file the draft of the notice intended to be published.

Fixing 07.03.2026 of filing draft notification by the Petitioner for paper publication.

Additional District & Sessions Judge,  
F.TC. -1, Alipurduar.  
J.O. code - 01009.