

**Order No.204**

**01.12.2012 Today is fixed for steps as special chance .**

**Appellants files hazira and the Respondent files hazira .**

**Appellants files two separate applications under Order -5, Rule -5 C.P.C. and order-6, Rule -17 C.P.C supported by affidavit .**

**The case record is taken up for hearing of the petition under order -5, Rule -5 C.P.C.**

**Perused the petition under order-5 , Rule – 5 C.P.C supported by an affidavit and materials on record .**

**The petition demonstrates that respondent no.1, Ketabuddin Sk and his wife died and their legal heirs were substituted and summon has been send to registered post with A/D and postal receipts were filed on 05.09.2011. Till to-date no A/D card has yet been received . From the petition it does not show that those were the last known address of the addressee and no specific affidavit has been filed to that effect . So, the it can not be said that the summon has been duly served and as such it is not accepted . Thus, the petition is disposed of treating the same as rejected .**

**Another application is taken up for hearing .**

**Perused the petition under order -6, Rule -17 C.P.C. filed by the appellant .**

**Heard both sides .**

**Considered .**

**The proposed amendment is formal one and it will not change the nature and character of the suit . So, the petition is allowed .**

**Amend the Memo of Appeal and note it in the register .**

**To 07.01.2013 for S/R and A/D .**

**Dict. & correct.**

**by me . A.D.J**

**Addl. District Judge,**

**F.T.C.Ist, Malda .**