

Order dated: 18/12/2023

Record is fixed for hearing of the Plaintiff's application dated 04/09/2023 under Order 5, Rule 20 (1A) of the C.P.C. read with Sec. 151 thereof.

Heard and considered the Ld. Counsel for the Plaintiff.

The assertion of the Plaintiff is that the Defendant has been avoiding service of the summons of this suit. The summons was sent to the defendant both ways through registered post as well as through Court process. Further, summons was sent through Court's Special Messenger but it was returned unserved. In such circumstances, plaintiff has prayed for an order allowing her to effect substituted service of summons upon the Defendant through publication in the local newspaper.

Perused the record and considered the present application.

Record shows that summons were duly sent both ways to the Defendant and that he has not received the same. The present application of the Plaintiff, thus, deserves to be allowed.

The Plaintiff is allowed to serve the summons on the Defendant by publication in the daily newspaper circulating in the locality in which the Defendant has been voluntarily residing or is last known to have voluntarily resided.

Plaintiff is directed to publish the summon, one in vernacular, be it Hindi or Bengali, and another in English daily newspaper widely in circulation in the locality of the defendant. For this the draft of the said publication may be placed by the Plaintiff by 25/01/2024 for verification.

Fix 25.01.2024 for the draft copy of the newspaper publication.

C.J (Jr. Div.)
Bidhannagar.