

Ej Suit 51 of 2017
WBPS01-000099-2017

Before: Smt. Gladys Bomjan, Ld. Judge, 3rd Bench

Order No: 47

Date: 13-01-2026

Today is fixed for S/R, A/D and further order.

Plaintiff files hazira and postal receipt and postal track report by firisthi.

Defendant no 5 files hazira.

It appears from the bailiff report that summons was unserved upon the defendant no 4 (a) & 4 (c) as the said defendant were out of station.

Two postal envelope in respect of the defendant no 4 (a) & 4 (c) returned unserved with endorsement 'left'.

Service upon the defendant no 4 (a) & 4 (c) found to be not satisfactory and the same is not accepted.

Plaintiff is directed to take necessary steps for substituted service in accordance with law.

Further, it appears from the bailiff report that summons was personally received by the defendant no 4 (b).

Inspite of receiving summons personally, defendant no 4 (b) did not appear to contest the suit.

Let the suit be proceeded ex-parte against the defendant no 4 (b).

At this stage, plaintiff files a petition under Order 5 Rule 20 of C.P.C.

Instant petition is taken up for hearing.

Heard Ld. Advocate for the plaintiff. Perused the petition and other materials on record.

Considered.

In the instant application, plaintiff has contended that the plaintiff has filed the instant suit for eviction against the defendants and the summons of the suit through Court as well through registered post have been sent to the substituted defendant no 4 (a) & 4 (c), however those came back unserved.

On perusal of the bailiff report it appears that summons were not served upon the substituted defendant no 4 (a) & 4 (c) as the said defendants were out of station. Two postal envelopes came back with endorsement 'Left'. Accordingly, service was not found to be

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satisfactory and plaintiff was directed to take steps for substituted service upon the defendant no 4 (a) & 4 (c).

In this background, plaintiff has filed the instant application.

The petition is also supported by affidavit.

So, considering the above facts and circumstances, this Court is of the view that summons in this suit cannot be served upon the substituted defendant no 4 (a) & 4 (c) in the ordinary way.

As such, the plaintiff's prayer is allowed.

Hence, it is

Ordered

that the petition under Order 5 Rule 20 of the C.P.C. filed by the plaintiff this day is hereby allowed.

Let summons be served by affixing a copy thereof in some conspicuous place in the Court-house and also upon some conspicuous part of the house { if any } in which the substituted defendant no 4 (a) & 4 (c) are known to have last resided or carried on business or personally worked for gain as well as by an advertisement in an **URDU** newspaper circulating in the locality in which the said defendants are last known to have actually or voluntarily resided or carried on business or personally worked for gain as per the provisions of Order-5 Rule 20 of the C.P.C.

Plaintiff is directed to file draft copy of paper publication and put in requisites as per law.

Fix **02-02-2026** for putting requisites & filing draft copy of notice for paper publication by the plaintiff.

Smt. Glady Bomjan
[J.O. Code: WB1039]
Judge, 3rd Bench
Presidency Small Cause Court,
Calcutta