

Ejectment Suit:-141 of 2022.

[CNR No WBPS 01 000218 2022]

Before – Sonia Majumdar- Ld. Chief Judge.

Order No:-08.

04-05-2023.

Today is fixed for hearing of petition u/o-5 Rule 20 read with Section 151 of C.P Code filed by the plaintiff dt 09-03-2023.

Plaintiff files hazira. On call, plaintiff is found present through his Ld. Advocate. The petition u/o-5 Rule 20 read with Section 151 of C.P Code filed by the plaintiff dt 09-03-2023 is taken up for hearing. Heard Ld. Advocate for the plaintiff . Perused the petition and materials on record.

Considered.

By filing the instant application, plaintiff has prayed for an order for service of summons upon the defendant by way of paper publication .

At the time of hearing, Ld. Advocate for the plaintiff submitted that plaintiff has filed the instant suit for eviction against the defendant praying for eviction and the summons of the suit through Court as well through registered post have been sent to the defendant, but summons could not be served upon the defendant in ordinary manner, and as the defendant is keeping out of the way for the purpose of avoiding service, therefore the plaintiff has prayed for an order for service of summons upon the defendant in substituted manner by way of paper publication.

It appears from Order No-03 dated 10-05-2022, that as per bailiff report dt 25-04-2022, defendant's room was under lock and key and summons were affixed upon the door of the defendant and one postal envelope with A/D card has returned with endorsement " addressee moved."

So, considering the above facts and circumstances, it appears that summons in this suit cannot be served upon the defendant in the ordinary way.

As such, the plaintiff's prayer is allowed.

Hence,

it is,

Ordered

that the petition u/o-5 Rule 20 read with Section-151 of C.P.C filed by the plaintiff on 09-03-2023 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 defendant is known to have last resided or carried on business or personally worked for gain as well as by an advertisement in an Hindi newspaper namely either in Sanmarg or in Prabhat Khabar or in Dainik Biswamitra circulating in the locality in which the defendant is 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 C.P.C .

Plaintiff is directed to file draft copy of paper publication and take other steps as per law.

To..(**19-06-2023**) .for putting requisites & filing draft copy of notice for paper publication by the plaintiff.

Chief Judge.

J.O .Code:- WB 01128