

Ejectment Suit 112 of 2023  
(CNR No. WBPS01-000234-2023)  
Before Shri. Ashutosh Kumar Singh, Ld. Chief Judge

09.

25-06-2024.

Today is fixed for hearing of petition u/o 5 Rule 20 read with section 151 of C.P.Code filed by the plaintiff on 19-02-2024.

Plaintiff files hazira.

On call Ld. Advocate for the plaintiff is found present.

The petition praying u/o 5 Rule 20 read with section 151 of C.P.Code 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 substituted service.

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, therefore by filing the instant petition, the plaintiff has prayed for an order for service of summons upon the defendant in substituted manner.

It reveals from Order No 04 dated 08-08-2023 that as per bailiff report dt 12-05-2023, summons returned unserved as the defendant's room was closed under lock and key. One postal A/D has been arrived with endorsement "Addressee can not be located/Returned to sender".

So, considering the above facts and circumstances, it appears that summons in this suit cannot be served upon the defendant in the ordinary way and the prayer of the plaintiff appears to be justified and the same is required to be allowed.

Hence,

it is

Ordered

that the petition u/o 5 Rule 20 read with section 151 of C.P.Code filed by the plaintiff on 19-02-2024 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 a Bengali newspaper namely either in **Anandabazar Patrika**, or in **Sangbad Pratidin** or in **Bartaman Patrika** 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.

Fix 03-08-2024 for putting requisites & filing draft copy of notice for paper publication by the plaintiff.

Dictated & Corrected  
by me

Chief Judge

Chief Judge  
J.O. Code WB 01244