

Ejectment suit 131 of 2024
(CNR No. WBPS01-000269-2024)
Before Sri. Ashutosh Kumar Singh Ld. Chief Judge.

07

27-01-2025

Today is fixed for taking steps by the plaintiff.

Plaintiff files a petition u/o 5 Rule 20 of C.P.Code, on the grounds stated therein.

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

Heard Ld. Advocate for the plaintiff.

The petition u/o 5 Rule 20 of C.P.Code is taken up for hearing.

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. 06 dated 05-12-2024 that as per bailiff report summons returned unserved as the defendant's room was closed under lock and key. Postal envelope with A/D in respect of defendant has been arrived with endorsement "addressee moved (I.S.)".

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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 of C.P.Code 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 defendant is known to have last resided or carried on business or personally worked for gain as well as by an advertisement in a **English** daily newspaper widely 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 notice for paper publication in **English** language and take other steps in respect of defendant as per law.

Fix 24-02-2025 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