

Ejectment Suit 149 of 2023.

[CNR No WBPS 01 000351 2023]

Before – Ashutosh Kumar Singh- Ld. Chief Judge.

Order No:-06.

31-01-2024.

Today is fixed for consideration of service reports.

Plaintiff files hazira. Ld. Advocate for the plaintiff is present.

Ld. Advocate for the plaintiff relied upon decisions reported in 2022(3) Indian Civil Cases 367(Cal) and submitted that “Not-claimed” tantamount to good service in the eye of law and prayed for accepting the service reports , and fix the matter for ex-parte hearing as the summons sent through registered post upon the defendants came back with reports “Not-claimed.”

Heard Ld. Advocate for the plaintiff. Perused the citation relied by the plaintiff. Considered.

So far service reports are concerned, two postal envelopes with A/D sent against both the defendants came back with endorsements “Not-claimed” whereas bailiff reports in respect of both the defendants dated 30-06-2023 came unserved with report –“ none could give me any proper information about the said defendant ,” which are contradictory to each other.

No witness were available at the time of bailiff service but bailiff has affixed the notice on the said address but photographs of the affixation apparently appeared to be of different doors although of the address of the defendants are same.

Therefore, considering such factual aspect of the matter, this Court finds that for the ends of substantial justice, notice of the suit is required to be published in daily newspaper.

p.t.o.....

It may be mentioned here that the ratio relied upon the plaintiff is not applicable in the present case as the facts are otherwise.. Accordingly, plaintiff is directed to take steps for publication of the notice of the suit in daily newspaper in accordance with law.

To (**02-04-2024**) for taking steps by the plaintiff in terms of Order dt 31-01-2024.

Dictated & corrected

by me :-

Chief Judge

Chief Judge.

J.O .Code:- WB 01244.