

Ejectment Suit 181 of 2021.

[CNR No WBPS 01 000341 2021]

Before – Ashutosh Kumar Singh- Ld. Chief Judge.

Order No:-14.

25-08-2023.

Today is fixed for hearing of petition u/o-5 Rule 9(4) of C.P Code dated 02-08-2022 filed by the plaintiff and as well as a petition u/o-5 Rule 20[1A] read with Section 151 of C.P Code filed by the plaintiff dated 11-11-2022.

Plaintiff files hazira. On call, plaintiff is found present through his Ld. Advocate. The matter is taken up for hearing.

Heard Ld. Advocate for the plaintiff.

Perused both the petitions dated 02-08-2023 as well as dated 11-11-2023 filed by the plaintiff.

Considered.

The contentions made out by the plaintiff in his petition dated 02/08/2023 filed u/o-5 Rule 9(4) of C.P.C, is that the plaintiff tired to serve summons of the suit upon the defendant several times but the same has been returned unserved. Therefore, by filing the a petition u/o-5 Rule 9(4) of C.P.C, plaintiff is praying for an order for publication of the notice of the suit in a Bengali newspaper.

In the other application dated 11-11-2023 filed by the plaintiff u/o-5 Rule 20(1A) of C.P.C , the similar contentions have been reiterated by the plaintiff , but herein the plaintiff has prayed for affixation of summons in the door of the residential house of the defendant and publication through Bengali Newspaper.

Perused the case record. It reveals from Order 11 dated 28-02-2023 that as per bailiff report dated 08-02-2023, “the room of the defendant

p.t.o....

could not be traced out.” and “ one postal envelop with A/D has been returned with postal endorsement-“Insufficient Address”.

Under the circumstances, plaintiff is directed to collect correct sufficient and proper address of the defendant and take steps for service of summons in such sufficient and correct address of the defendant. Thereafter, the instant petitions shall be taken into consideration.

To (**24-11-2023**) for clarification by the plaintiff regarding correct and sufficient address of the defendant and taking steps by the plaintiff and further order.

Dictated & corrected by me

Chief Judge.

Chief Judge.

J.O .Code:- WB 01244