

Ejectment Suit 304 of 2025.
(CNR No. WBPS01-000586-2025.
Before Smt Chandrani Mukherjee Banerjee Ld. Chief Judge.

04.

18/02/2026.

Today is fixed for taking steps by the plaintiffs.

Today plaintiffs file hazira.

Plaintiffs also file two separate applications , one u/o- XXII Rule 4 read with Section 151 of C.P Code and another application uo- V Rule 20 of the Code of Civil Procedure on the ground stated therein.

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

The matter is taken up for hearing.

Heard Ld. Advocate for the plaintiff .

Perused the petitions and materials on record.

Considered.

By filing the application u/o- XXII Rule 4 read with Section 151 of C.P Code , the plaintiffs have prayed for substitution of the legal heirs of deceased defendant no-1 on the ground stated therein.

It appears from Order dated 13/01/2026 that as per postal report, defendant no-1 has expired. In the present application, in paragraph-03 too, the plaintiffs have specifically admitted the fact that the defendant no-1 had expired on 05/09/2024 ie before filing the instant suit. Therefore, it appears that the instant application for substitution is not maintainable so far defendant no-1 is concerned since the suit has been filed against a deceased person being defendant no-1 and defendant no-2 is the son and legal heir of defendant no-1.

Regarding the other application of the plaintiffs filed u/o- V Rule 20 of C.P Code for service of notice by way of paper publication upon defendant no-2, it appears from Order dt 13/01/2026 that service of summons sent to defendant no-2 in ordinary manner has been found unsatisfactory from which it appears that summons in this suit cannot be served upon the defendant no-2 in the ordinary way.

As such, the plaintiff's prayer is allowed.

Hence it is

Ordered

that the petition u/o-5 Rule 20 of C.P.C filed by the plaintiff on 18/02/2026 is hereby allowed.

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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 no- 2 is known to have last resided or carried on business or personally worked for gain as well as by an advertisement in a Hindi newspaper circulating in the locality in which the defendant no-2 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 .

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

Thus, both the applications filed by the plaintiffs today stands disposed of.

To (**27/03/2026**) for putting requisites & filing draft copy of notice for paper publication by the plaintiff.

Chief Judge.

J.O. Code WB 01130.

