

Ejectment Suit 219 of 2019 .

[CNR WBPS01 000595 2019]

Before - Uttam Kumar Shaw- Ld. Chief Judge.

Order No:-22.

31/10/2022.

Today is fixed for consideration of service report .

Plaintiff files hazira.

From the returned postal cover with A/D reveals postal endorsement-
“door locked.”

At this stage , Ld. Advocate appearing for the plaintiff prayed that the petition u/o-5 Rule 20 read with Section 151 of C.P Code dated 11/04/2022 be taken up for consideration. Accordingly, the same is taken up for hearing.

In the instant application, plaintiff has contended that the 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, however those came back unserved.

As summons could not be served upon the defendant in ordinary manner, and as the defendant is keeping out of the way for the purpose of avoiding service, therefore the plaintiff has prayed that summons of the suit be served upon the defendant in substituted manner.

Perused the bailiff report as well as postal endorsement.

Also perused the order dt 11-09-2019 wherefrom it appears that as per bailiff report-summons could not be served upon the defendant as the room was under lock and key.

The returned postal cover with A/D reveals postal endorsement-“door locked.”

So, considering the above facts and circumstances, in spite of all attempts made by the plaintiff, it appears that defendant is keeping out of the way for

p.t.o.

the purpose of avoiding service and summons in this suit cannot be served upon the defendant in the ordinary way.

As such, the plaintiff's prayer is allowed.

Hence,

it is

Ordered

that the petition u/o-5 Rule 20 read with Section-151 of C.P.C filed by the plaintiff on 11/04/2022 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 an Bengali newspaper namely either Anandabazra, or in Bartaman or in Sambad Pratidin 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.

To **(15/11/2022)** 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:- 00372