

Ejectment suit 77 of 2026
(CNR No. WBPS01-000137-2026)

Before Smt. Chandrani Mukherjee (Banerjee), Ld. Chief Judge

04.

21-05-2026

Today is fixed for consideration of service report and further order.

Plaintiff files hazira.

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

Heard Ld. Advocate for the plaintiff.

So far service reports of defendant is concerned, from the bailiff report dt 12-03-2026 it appears that “defendant’s room was closed under lock and key”.

However, postal envelope came back from the address of the suit premises with postal remark- “Left”. In support of such contention, plaintiff has relied upon decision of The Hon’ble Apex Court reported in 2007(2)CLJ(SC) 153.

Heard Ld. Advocate for the plaintiff.

Perused the service reports and materials on record.

Record reveals that after filing the suit, summons have been sent to the defendant both through Court as well as through postal mode.

Record further goes to show that as per bailiff report dt 12-03-2026 it appears that “defendant’s room was closed under lock and key”. So far postal service is concerned, “Left”. Section 27 of General Clauses Act read as follows:

‘Where any Central Act or Regulation made after the commencement of this Act authorizes or requires any document to be served by post, whether the expression “serve” or either of the expressions “give” or “send” or any other expression is used, then, unless a different intention appears, the service shall be deemed to be effected by properly addressing, prepaying and posting by registered post, a letter containing the document, and unless the contrary is proved, to have been effected at the time at which the letter would be delivered in the ordinary course of post.’

Contd....

The Hon'ble Apex Court in C.C. Alavi Hazi Vs. Palapetty Muhammed reported in 2007 (2) CLJ (SC) 153 has observed that "once notice has been sent with proper address and stamping by registered post which was returned back with postal endorsement 'refused' or 'not available in the house' or 'house locked' or 'shop closed' or 'Addressee not in the station' shall be treated sufficient."

Here in the present case, the envelope sent to the defendant through post containing summons came back with postal endorsement "Left".

The postal articles are properly addressed, prepaid and sent by registered post and there is no reason to interpret any differently.

Bailiff report shows that the said "defendant's room was closed under lock and key".

Thus, in view of the discussion made above and in the light of decision of The Hon'ble Apex Court and the provisions of Section 27 of General Clauses Act, this Court holds that plaintiff has duly discharged his duty by intimating the defendant about the institution of the suit but the defendant did not appear and contest the suit.

Accordingly, this court finds no other alternative to fix the matter ex-parte against the defendant. Let the case be transferred to the Court of

Ld. Judge, 4th Bench, P.S.C Court Calcutta for disposal. Plaintiff is directed to appear before the transferee Court on **02-07-2026**.

Chief Judge
J.O. Code WB 01130