

Present: Sri Arindam Chattopadhyay
J. O. Code : WB00859
Misc. Case No.07 of 2023
Arising out of Title Appeal No. 163 of 2015
CIS No. 07 of 2023

Order no. 04
Dt.20.03.23

Today has been fixed for hearing of the petition dated 14.03.23 filed on behalf of the petitioners.

Ld. Advocate of the petitioners is found present by filing hazira.

The said petition dated 14.03.23 is taken up for hearing.

Heard the Ld. Advocate of the petitioners.

Perused the said petition and the case record.

Considered.

In the said petition under consideration, the petitioners have prayed for passing an order thereby exempting them from taking steps for service of notice upon respondent Nos.2 to 15 on the ground that the said respondents have not contested in Title Appeal No.163 of 2015. Ld. Advocate of the petitioners submitted that the respondent Nos.2 to 15 did not appear and contest in Title Appeal No.163/15 and the same was heard exparte against them. Thus, the petitioners have no obligation to serve notice of this Misc. Case upon the said respondents.

According to this court there is no provision of law which says that summons/notice should not be served upon any party in a subsequent proceeding because the said party has not participated in the hearing of a previous proceeding between the same parties.

Considering above, the petition dated 14.03.23 filed by the petitioners is rejected.

The petitioners are directed to take steps of service of notice upon all the opposite parties of this Misc. Case.

To date.

Dictated & Corrected by me

Addl. Dist. Judge
F.T.C. II, Diamond Harbour