

M.Appl. 47 of 2020.

Order No. 20 dt. 03.11.2022.

The case was fixed on 02.11.2022 which was declared holiday. Accordingly, the case record is put up today for passing order. A put up petition is filed by the appellant praying for hearing of the application under Order-5 Rule-20 of CPC.

The petition under Order 5 Rule 20 of CPC is taken up for hearing. Ld. Advocate for the appellant submits that the appellant has sent notices through Regd. Post with A/D to the respondents as per the address given in the plaint in the Ld. Trial Court but all the sealed envelopes returned with remarks that the respondents are residing elsewhere. So, prayer has been made for publication of the notice in the newspaper because the respondents intentionally avoided the service. The application is supported by an affidavit. It appears from the sealed envelopes that notices could not be served upon the respondents in the address given in the plaint and postal remark shows that all the respondents have been residing elsewhere and not in the given address.

So, the prayer for publishing notice in the newspaper is justified. Accordingly, the petition under Order-5 Rule -20 of CPC is allowed.

The appellant is permitted to publish the notices in the name of the respondents in the newspaper having wide circulation in the locality of the residence of the respondents .

Fix 03.12.2022 for filing draft copy of paper publication.

Dic.& corr. by me.

D.J.

District Judge,
Paschim Medinipore.