



**28.02.2024
Item no.01
Court No.50**

**Ranendra Nath Roy
Vs.
Paresh Nath Roy**

Ld. Advocate Mr. Dilip Kumar Maity appears for the appellant.

Ld. Counsel for the appellant submits that they will cause fresh service upon respondent nos. 1(a)(i), 1(b)(i) and 1(c)(i).

Ld. Counsel further submits that as respondent no. 1(b)(ii) has refused to accept notice, let the service upon 1(b)(ii) be treated as complete.

Perused the office report dated 23.02.2024.

It transpires from the office report that notice was issued upon respondent nos. 1(a)(i), 1(b)(i) 1(b)(ii) and 1(c)(i).

In terms of the report received by the department, the notice served upon respondent no. 1(a)(i) has been returned to the department with an endorsement "door locked". In respect of respondent no. 1(b)(i) and 1(c)(i) notices could not be served as the mother of respondent no. 1(b)(i) refused to accept the notice and the respondent no. 1(c)(i) is not residing the said premises where the notice were served.

It also transpires from the office report that respondent no. 1(b)(ii) has refused to accept the notice as per process server's report.

It is further apparent from the office report that the Trial Court record in connection with Title Appeal no. 514/82 and Title Suit no. 90/67 was called for vide memo no. 2491s dated 18.11.2023 from the court of Ld. Additional District Judge, 2nd Court Alipore, South 24 Pargans, but neither any information nor the Trial Court record has yet been received.



2023:CHC-AS:28500

In view of the facts and circumstances as stated hereinabove, the Ld. Advocate for the appellant is hereby directed to cause fresh service of notice of appeal upon respondent nos. 1(a)(i), 1(b)(i) and 1(c)(i) through speed post with A.D within three weeks from date positively.

As the respondent no. 1(b)(ii) herself has refused to accept the talabana notice as per the report of process server, the service upon respondent no. 1(b)(ii) is complete.

Since, the Trial Court record has not yet received, as indicated hereinabove, a reminder be sent to the Court of Ld. Additional District judge, 2nd Court Alipore, South 24 Parganas through the Court of Ld. District Judge, South 24 Parganas for immediate transmission of Trial Court Record in connection with Title Appeal no. 514/82 and Title Suit no. 90/67 within two weeks from date positively.

(Nabanita Ray)
Registrar Administration (L&OM)