

**09.08.2023
Item no.6
Court No.50**

**Alema Munsif & Ors.
Vs
Anowara Bibi & Ors.**

Ms Nadira Abedin, Ld. Advocate appears for the appellants.

Perused the office report dated 24.07.2023 /05.08.2023.

In the item no. i) of the said office report the department has placed the following report as regards L.C.R in connection with T.A-6/2008 and T.S-65/2003 along with one cover file containing exhibited documents. On examination of the same it reveals that:

“All the documents exhibited on behalf of the defendants/respondents were taken back by the concerned Ld. Advocate vide order no.26 dated 17.01.2009 in T.A-6/2008 by filing certified copies of Ext. A, A(1) and A(2), whereas Ext. X, X₁ and X₂ for identification (rent receipts) are absent.

Otherwise, all the documents are in order.”

The Ld. Advocate appearing for the appellants submits that the appellants are ready with the certified copy of the Ext. X, X₁ and X₂ for identification (rent receipts).

Thus the said L.C.R is complete subject to production of the original documents before the Hon’ble Court at the time of hearing.

In the item no. ii) of the said office report the department has placed the following service report as regards postal notices were issued upon the respondent nos.3(a-h) vide memo nos.364S(P) to 373 S(P) dated 09.06.2022:

1. Postal article returned unserved with endorsement “Not Known” on the envelope in respect of the respondent nos. 3(a) and 3(f).
2. Postal article returned unserved with endorsement “Addressee left without Address” on the envelope in respect of the respondent no. 3(b).
3. Postal notice served upon the respondent no. 3(c) as A.D card received with signature of the said respondent.
4. Postal article with A.D returned unserved in respect of the respondent no. 3(d).
5. A.D card returned to the department as the postal notice was received by one Bilkis Rahman on behalf of the respondent no.3(e). But there is no mention of relationship between the said receiver and the respondent no.3(e) in the memorandum of appeal.

6. Unserved postal article returned with endorsement "Insufficient Address" and "Addressee left without Address" on it in respect of the respondent no.3(g).
7. Unserved postal article returned with endorsement "Addressee cannot be located" & "Addressee left without Address" on it in respect of the respondent no.3(h).

The department has also placed service report as regards postal articles issued earlier vide memo nos. 34S(P)-39S(P) dated 18.01.2017 upon the respondent nos.1, 2(a), 3, 4, 5 & 6:

- I. Postal article returned unserved with endorsement "Incorrect Address-there is no village named as Bhola" on the envelope in respect of the respondent nos.1 & 2(a).
- II. Neither the postal articles nor the A.D cards has yet been received by the department in respect of the respondent nos. 3-6.

The department appears to have placed a wrong report as regards service of notice of appeal upon the deceased respondent no.-3 whose legal heirs were substituted as respondent nos.-3(a)-3(h) in the cause title of the memorandum of appeal vide amendment dated 06.06.2022.

Thus service is complete in respect of the respondent no.3(c). But service of notice of appeal is incomplete upon the respondent nos.-1, 2(a), 3(a), 3(b), 3(d), 3(e), 3(f), 3(g), 3(h).4, 5, 6.

In view of the above facts and circumstances, the Ld. Advocate for the appellant is directed to file postal cost, written up notice forms along with correct postal addresses for effecting service of notice of appeal upon the respondent nos.-1, 2(a), 3(a), 3(b), 3(d), 3(e), 3(f), 3(g), 3(h).4, 5, 6, within two weeks from this date.

(Nabanita Ray)
Registrar Administration (L&OM)