

15.01.2025
Item no.12
Court No.50

SRI LAKSHMINARAYAN DEY @ LAKSHMI NARAYAN DEY

Vs.

DEBABRATA JANA AND ORS.

Ld. Advocate Mr. Raghunath Das appears for appellant.

Ld. Counsel for the appellant submits that other than respondent no. 2, 3, 6 and 19 all other respondents have been duly served and necessary direction be given for causing service of notice of appeal through speed post with A.D with present and proper address upon those respondents.

Ld. Counsel further submits that application for substitution have already been filed after death of respondent no. 13 and the same is already allowed vide order dated 26.06.2024 and talabana cost along with written up notice form has already been filed on 02.07.2024.

Perused the office report dated 14.01.2025.

It transpires from the said office report that in due compliance with the direction of this court dated 01.05.2024, talabana notices were issued upon respondent nos. 1-19 vide memo dated 06.06.2024.

In terms of the process server's report which returned to the department it is reported that talabana notices were issued upon respondent nos. 1, 4, 15, 16, 17, 18, 5, 7, 9, 8, 10, 11, 14 and 12 and talabana notices could not be served upon respondent nos. 2, 3 6 and 19 immediately.

It is also reported that T.C.R received from the Ld. Trial Court have been found complete.

In view of the above, it appears that talabana notices were issued upon respondent no. 1, which has been received by the sister of respondent no. 1, who is the respondent no. 5, Talabana notices issued upon respondent nos. 4, 15, 16, 17 and 18 have been refused by those respondents and the said notices were

hang on their door. Notice issued upon respondent no. 5, 7 and 9 have been served as the same was received by the respondent no. 5 herself, in respect of respondent nos. 8, 10, 11 and 14 notices were served as the said notices were received by their wife on behalf of their husband and talabana notices were issued upon respondent no. 12 was received by the mother of respondent nos. 12 who is the respondent no. 9.

It also appears that talabana notices could not be served upon respondent no. 2 who does not reside at the given address, respondent no. 3 who is admitted in the hospital, in respect of respondent no. 6, the premises was found under lock and key, respondent no. 13, could not be served as the is died as per the process server's report and respondent no. 19 could not be served as the said respondents resides in a different state.

It further appears from the case record that by virtue of the order dated 26.06.2024, the application for substitution filed after death of respondent no. 13 has already been allowed.

Hence, the Ld. Advocate for the appellant is hereby directed to put fresh requisites for causing service of notice of appeal upon respondent nos. 2, 3, 6 and 19 through speed post with A.D with present and proper address within two weeks from date positively.

(Nabanita Ray)
Registrar Administration (L&OM)