

**24.04.2024
Item no.05
Court No.50**

**Srimatya Niharbala Ghorai
Vs.
Gopal Chandra Mridhya**

Ld. Advocate Mr. Amit Baran Dash and Ld. Advocate Ms. Ankana Sarkar both are appearing for the appellant.

Ld. Counsel for the appellant is present and submits that by virtue of the direction of the Hon'ble Court dated 27.01.2021 the department has to inform the Ld. Advocate after receiving the T.C.R which is not done in this case. Thus, the paper book prepared by the Ld. Advocate for the appellant is treated to be within time.

Perused the office report dated 10.04.2024.

It transpires from the office report that notices were issued upon respondent nos. 4, 15, 17, 18 and 20 vide memo dated 05.12.2023 and in terms of the office report the notice served upon respondent nos. 4-13 has been duly received by Sri Jagannath Maity on behalf of respondent nos. 4-13. In respect of notice issued upon respondent nos. 14, 19 and 20, postal articles have been returned to the department with an endorsement refused on it. Notices issued upon respondent nos. 15-17 have also been duly served and the same has been received by respondent nos. 15-17 themselves. But, in respect of notice issued upon respondent no. 18 the same remain unserved and postal article with A.D Card has been returned to the department with an endorsement 'addressee left' on it.

In view of the above, the notice appears to be duly served upon respondent nos. 4-13, 14, 19, 20, 15 and 17.

Hence, the Ld. Advocate for the appellant is hereby directed to put fresh requisites for service of notice of appeal upon respondent no. 18 with present and proper address for sending the notice through speed post with A.D within two weeks from date positively.

It is also stated in the office report that pursuant to the direction of the Hon'ble Court dated 27.01.2021, Ld. Advocate for the appellant has filed seven copies of paper book in the department on 16.07.2021 which is out of time. A copy of the paper book has been sent to the respondent no. 3 on his recorded address. But, from the postal track report it is recorded that the 'item returned' as refused. The other respondents have not yet been served with the paper book. But, fact remains, the Ld. Advocate for the appellant has already filed seven copies of paper book in the department by virtue of the solemn direction of the Hon'ble Court dated 27.01.2021.

Hence, after completion of service of notice of appeal, let the case record be placed before the Hon'ble court for necessary direction.

(Nabanita Ray)
Registrar Administration (L&OM)