

OCD-5

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

[Commercial Division]

CS-COM/471/2024
[OLD NO. CS/36/2023]

TRANSFAE SERVICES LIMITED
-VS-
ASHWANI ANIL KUMAR ADIPARAMBIL

BEFORE:
The Hon'ble JUSTICE KRISHNA RAO
Date : July 9, 2024.

Appearance:
Mr. Altamash Alim, Adv.
Mr. Sumit Biswas, Adv.
Ms. R. Bhowmick, Adv.
...for the petitioner

The Court: Mr. Altamash Alim, learned Counsel, is appearing for the petitioner.

The matter is listed today as “To Be Mentioned” on the prayer made by the Counsel for the plaintiff.

Counsel for the plaintiff has handed over the service report dated 14th May, 2024 issued by the Deputy Registrar of Kolkata, wherein it reveals that the writ of summons was sent for service through the learned Registrar, Court of Small Causes, Mumbai-400002 but the same was returned “unserved” with the remark “could not be served upon the defendant at second address as the

said premises was found demolished since 5 years back, hence summons copy unserved.”

The plaintiff has also sent the writ of summons through speed post which was also returned unserved under the remark “Unclaimed”.

Let the report be kept with the record.

Learned Counsel for the plaintiff submits that in both the ways the writ of summons could not be served upon the defendant, he prayed for allowing the plaintiff to publish the gist of the notice of writ of summons in the English newspaper as well as Hindi Newspaper, which is widely circulated at Navi Mumbai.

Heard the learned Counsel for the plaintiff and perused the service report.

This Court has granted leave to the plaintiff for publishing the notice of this suit by way of publication in the English newspaper “Times of India” and Marathi newspapers “Hamara Mahanagar” and “Navabharat” at Navi Mumbai.

(KRISHNA RAO, J.)