

ITEM NO.37

REGISTRAR'S COURT NO.1

SECTION XVI

## S U P R E M E C O U R T O F I N D I A

## RECORD OF PROCEEDINGS

BEFORE REGISTRAR B. SUDHEENDRA KUMAR

Petition(s) for Special Leave to Appeal (Civil) No(s).18810/2004

HARENDRANATH BHATTACHARYA

Petitioner(s)

VERSUS

NIHAR MUKHERJEE

Respondent(s)

(With Office Report)

Date: 22/11/2006 This Petition was called on for hearing today.

For Petitioner(s)

Mr. Chanchal Kumar Ganguli, Adv.

For Respondent(s)

Mr. Ranjan Mukherjee, Adv.

UPON hearing counsel the Court made the following

## O R D E R

The petitioner has filed an application praying for effecting service on

unserved Nos. 1, 2, 4 and 5 by publication in 'The Times of India' an English Daily

and 'Aajkaal' a Bengali Daily.

Heard.

I have also perused the application.

It is revealed from the application that the notice could not be served on

the above respondents under normal mode of service despite the earnest efforts

taken in this regard. I am satisfied from the averments in the application that

notice could not be served on the above respondents under any normal mode of

service. 'The Times of India' an English Daily and 'Aajkaal' a Bengali Daily, are

having wide circulation in the place of residence of the respondents. Therefore, I

am inclined to allow this application with a further direction that notice on the

above respondents be served by affixation on their last known address as well.

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In the result, this application stands allowed and it is ordered that notice

on the respondents be served by publication in 'The Times of India' and 'Aajkaal'

dailies. The process for publication shall be given as dasti to the petitioner who

shall file affidavit in proof of publication along with the newspapers within four

weeks. The process for affixation shall be sent from the office directly to the

District Judge concerned.

List again on 18.1.2007.

(B. Sudheendra Kumar)

Registrar