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SK
Ct. No. 18
06.08.2021

**C.O. No. 483 of 2021
(Via Video Conference)**

**M/S Bidya Construction
Vs.
Rajesh Kumar Agarwal & Anr.**

Mr. Sanjoy Bose,
Mr. P. B. Mullick ... For the petitioner.

Affidavit-of- service filed in Court today on behalf of the petitioner is taken on record.

The revisional application under Article 227 of the Constitution of India is at the instance of the plaintiff in a suit for eviction under Section 6 of the West Bengal Premises Tenancy Act, 1997 and is directed against the Order No. 06 dated February 5, 2021 passed by the learned Chief Judge, Presidency Small Causes Court at Calcutta in the said suit being Ejectment Suit No. 126 of 2020.

Mr. Sanjoy Bose, learned counsel appearing on behalf of the petitioner submits that the summons of the said suit sent to the defendants by registered post twice returned with the postal endorsement either 'insufficient address' or 'unclaimed' and said summons sent through Court Bailiff returned with the Bailiff report that the suit property is under lock and key and the defendants have left the suit property four-five years ago.

Mr. Bose further submits that in spite of such position of the records, the learned Trial Judge by the order impugned has again directed the petitioner to take steps for service of summons in accordance with law instead of

treating the earlier service of summons upon the defendants by registered post as good service.

On perusal of the records it appears that the summons sent by registered posts twice were returned with the postal endorsement either 'insufficient address' or 'unclaimed'.

The notice of the present application sent by speed post with acknowledgement due has returned with the postal endorsement 'unclaimed'.

The facts and circumstances of the present case, therefore, unmistakably suggest that further attempt to serve the summons of the said suit upon the defendants either by registered post or through Court Bailiff would not bear any fruitful result.

The only recourse left for effecting service of summons of the said suit upon the said defendants is by paper publication.

C.O. 483 of 2021 is, therefore, disposed of by permitting the petitioner to take steps for newspaper publication of the summons of the said suit.

In the event such steps are taken, the learned Trial Judge, considering the nature of the suit, shall expedite its execution.

There shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)