

22.07.2022
Item No.38
Ct. No.7
CHC
(disposed of)

C.O.1560 of 2022

Ayub Khan
...
Vs.
Mrs. Perin Pombra

Mr. Sahid Uddin Ahmed
...for the petitioner

The subject-matter of challenge in this revisional application is against order no.13 dated 7th April, 2022, passed in Ejectment Suit No.166 of 2020, directing the plaintiff to take fresh steps.

Learned advocate appearing for the petitioner advertng to order dated 25th March, 2021 submits that the court below has already invoked the provisions available under Section 27 of the General Clauses Act to treat the service effected to be good service for the suit premises being under lock and key.

Admittedly, the suit premises said to be in occupation of the opposite party/defendant was under lock and key, which transpired not only in the bailiffs report, but also in the track report obtained from the official website of the postal azuthority.

It is, thus, submitted by the learned advocate for the petitioner that the court below being oblivious of

the order dated 25th March, 2021 has again directed plaintiff to take steps upon the defendant.

Admittedly, this is a suit for eviction. The suit was instituted in the year 2020 when there has been proliferation of COVID-19 at good space. When the court below by the order impugned passed order upon due exercise of his discretion requiring plaintiff to take step fresh upon the defendant to secure her attendance, such discretion being lawfully exercised would must remain unaltered with.

However, this would not prevent the petitioner/plaintiff to make out appropriate case in accordance with the law for the applicability of provisions under Order 5 Rule 20 C.P.C.

Petitioner is directed to make communication of this order to the learned court below as well as to the opposite party and her learned advocate in the court below.

With this observation/direction, the revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)