

21 08.09.
AG 2022
M
RKB
Ct
07

C.O. 2046 of 2022

**Sri Asim Das
Vs
Mr. Tom Joseph Murmu & Ors.**

Mr. Arup Krishna Das ... For the petitioner.

The only contention expressed by the petitioner is relatable to the delay being caused in ensuring service to the other side.

Mr. Arup Krishna Das, learned advocate appearing for the petitioner submits that time and again service was effected upon the opposite parties as per provisions of the law, which ultimately turned to be a futile exercise. Finally, paper publication was made, which however went in vain.

The matter was then set for ex parte hearing, and the court below at that stage was not prepared to accept the track report, and disputed with the track report directing a fresh service to be effected upon the defendant.

Upon referring such facts, learned advocate for the petitioner has sought for effecting service under Order V Rule 20 CPC upon recalling previous order, recorded by the court below.

This is a suit for declaration and injunction.

Parties admittedly belong to tribal community.

The retirement benefit of the deceased wife has been sought to be recovered upon filing a suit by husband against the other legal heirs of the wife, who are impleaded as defendants.

In a situation like this, the revisional application be disposed of, without making any further elaboration on the point, with a direction upon the court below to ensure effective service upon defendants after adhering to the stages shown in Order V of CPC expeditiously, and extend the relief to the petitioner in accordance with law in an expeditious manner.

Parties are directed to make communication of this order to the learned court below as well as to the learned advocate appearing in the court below for the opposite party and the opposite party.

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

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)