

M/L 26
10.6.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 48 of 2024

Sri Radha Gobinda Mallick & Anr.

Vs.

Sri Shyamal Kumar Nandan & Anr.

Mr. Ayan Banerjee
Mr. Suman Banerjee

...for the Petitioners.

Mr. Rajdeep Bhattacharya
Mr. Sauradeep Dutta
Mr. Arpayan Mukherjee

...for the Opposite Parties.

Affidavit of service filed on behalf of the petitioners be kept with the record.

The revisional application under Article 227 of the Constitution of India is at the instance of the defendant Nos. 2 and 3 in a suit for ejectment being Title Suit No.113 of 2018 and is directed against the Order No.42 dated October 3, 2023 passed by the 1st Court of learned Civil Judge (Junior Division) at Chandannagore, Hooghly in the said suit.

The defendant no.1 who was the elder brother of the petitioners was contesting the suit and it is running ex parte against the petitioners. On the death of the defendant no.1, his heirs and legal representatives were substituted but they are not contesting the suit, as such, the suit is also running ex parte against them.

The suit when was fixed for argument, the petitioners had filed an application praying that the suit may be taken off from the ex parte board alleging that the summons upon them was not duly served.

The learned Trial Judge, by the order impugned has dismissed the said application holding *inter alia* that the summons, in compliance with the requirements of the provisions of Order V Rule 15 of the Code of Civil Procedure was served upon the wives of the petitioners.

This Court does not find any illegality and/or infirmity in the said finding of the learned Trial Judge warranting interference in the order impugned, CO 48 of 2024 is therefore dismissed without any order as to costs.

The learned Trial Judge however is requested to expedite the disposal of this suit.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)