

M/L 5
10.6.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 73 of 2024

Rinku Rajbanshi & Anr.
Vs.
Gita Rajbanshi & Ors.

Mr. Manas Kumar Das

...for the Petitioners.

The revisional application under Article 227 of the Constitution of India is directed against the order dated September 20, 2023 passed by the 2nd Court of learned Civil Judge (Junior Division) at Kandi, Murshidabad in Title Suit No.49 of 2021.

The petitioners are the wives of the defendants of the said suit, they have taken out an application under Order V Rule 25 of the Code of Civil Procedure for service of summons upon their husbands, who are residing out of India.

The learned Trial Judge by the order impugned has dismissed the said application.

Rule 15 of Order V of the Code prescribes that where in any suit the defendant is absent from his residence at the time when the service of summons is sought to be effected on him at his residence and there is no likelihood of his being found at the residence within a reasonable time and he has no agent empowered to accept service of the summons on his behalf, service may be made on any adult member of the family, whether male or female who is residing with him.

The petitioners, being the wives, have received the summons at the residence of the defendants in India, as such the requirement of Order V Rule 15 of the Code has been complied with.

The order impugned, therefore, does not call for any interference.

CO 73 of 2024 is accordingly dismissed without any order as to costs.

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

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

(Biswajit Basu, J.)