

S/L - 1
28.11.2024
Court. No. 3
S.Kundu

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

C.O. 201 of 2024

Shri Radheshyam Mangal
Vs.
Smt. Bina Sharma

Mr. Sanjay Mazoomdar,
Ms. Sukanya Adhikary

...for the petitioner.

1. Although an order was passed yesterday i.e. on 27th November, 2024, however, since the petitioner was not appropriately heard, the matter has come up today. Having regard thereto, the unsigned order dated 27th November, 2024 is recalled and the application is heard afresh. This is an application *inter alia*, praying for expeditious disposal of the application filed under Order V Rule 20 of the Code of Civil Procedure in Matrimonial Suit No. 182 of 2023, now pending before the Court of learned Additional District and Sessions Judge, 2nd Court, Siliguri.
2. Considering the nature of relief sought for, the aforesaid application is taken up for consideration without prior service thereof on the opposite party. Learned advocate representing the petitioner by drawing attention of this Court to the order-sheet

would submit that since the petitioner despite taking steps could not serve the summons on the opposite party, an application was filed under the provisions of Order V Rule 20 of the Code of Civil Procedure on 9th February, 2024. On the next date fixed i.e. on 6th May, 2024 the petitioner had duly filed requisites along with process fee. Unfortunately, on 22nd August, 2022 the service return was received with the report “not served”.

3. It is submitted that the application for substituted service under Order V Rule 20 is still pending consideration before the Court of learned Additional District and Sessions Judge, 2nd Court, Siliguri where the case record has since been transferred. The petitioner prays for expeditious disposal of the aforesaid application.
4. Having heard the submission made by the petitioner and considering the materials on record, though I do not find any justification for the petitioner in not taking any steps on 30th September, 2024, however, since the Matrimonial Suit is pending since 12th May, 2023 and since till this day the service on the opposite party could not be effected, I am of the view that the application under Order V Rule 20 of the Code of Civil Procedure filed by the petitioner should be disposed of by the learned Additional District and

Sessions Judge, 2nd Court, Siliguri as expeditiously as possible preferably within a period of two months from the date of communication of this order.

5. With the aforesaid direction and observation, the revisional application stands disposed of.
6. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Raja Basu Chowdhury, J.)