

OCD-4

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE
(Commercial Division)

APOT/383/2024
WITH
CS-COM/515/2024
IA NO: GA-COM/1/2024

JAI JUTE AND INDUSTRIES LIMITED
VS
SHIB SHANKAR RUNGTA

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN

And

The Hon'ble JUSTICE BISWAROOP CHOWDHURY

Date : 16th December, 2024

Appearance:

Mr. Surajit Nath Mitra, Sr. Adv.

Mr. D. N. Sharma, Sr. Adv.

Mr. Shailendra Jain, Adv.

Mr. Ayan Dutta, Adv.

Mr. Abhishek Jain, Adv.

...for the appellant

Ms. Swapna Chowbey, Adv.

Mr. Udit Agarwal, Adv.

...for the defendant/respondent

The Court:-In view of the mode of service filed on behalf of the Deputy Sheriff, we direct the issue to be reconsidered by the learned Single Judge upon examining the bailiff and the person claimed to have accepted the service of summons upon the defendant/respondent.

This direction is passed in view of two different endorsement found on the writ of summons and also in view of the fact that in the event the written statement is not filed within thirty days from the date of service of summons or within the outer limit of 120 days, the defendant/respondent would forfeit its right to contest the suit.

The certificate of service shall also be produced by the Deputy Sheriff before the learned Single Judge along with the mode of service. The matter be listed after 10th January, 2025 before the learned Single Judge subject to the convenience of the court as we have been informed by the Deputy Sheriff that it might take some time to produce the original A.D. Card/certificate of service.

We direct the postal authorities concerned to take immediate steps upon communication of this order by the Deputy Sheriff and to ensure that the required document is made available to the Deputy Sheriff by 10th January, 2025.

In view of the aforesaid direction, the impugned order is set aside. However, we make it clear that the reason for setting aside of the impugned order is only to enable the Court to decide service of summons upon the defendant/respondent after recording evidence.

A copy of the order shall also be sent to the Post Master General, G.P.O. Kolkata. The authorities shall act on the basis of the order as available in the official website of the High Court, Calcutta.

The original record to be returned to the department.

The appeal and the application are disposed of.

(SOUMEN SEN, J.)

(BISWAROOP CHOWDHURY, J.)