

Ct.
No.
29
04.
Bd

06.05
2025

C.O. 3767 of 2024

United Bank of India
Vs.
Sri Debjyoti Bhattacharjee & Ors.

Mr. Sukanta Ghosh
Mr. Arghya Chatterjee ...For the Petitioner

Mr. Sakya Sen
Mr. Sudipta Kumar Bose
Ms. Lipika Nath
Mr. Anirban Basak
Mr. Aniruddha Bandhyopadhyay
Ms. Pallavi Chatterjee ...For the Opposite Parties

A very short question involved in this application as has been raised by the petitioner herein is that though the trial court recorded that summon has been duly served upon pro-forma defendant no. 4, but such summon was actually not served upon pro-forma defendant no. 4.

Learned counsel for the opposite parties submits that in addition to usual mode of service paper publication was also made to cause it served upon defendant no. 4/petitioner herein.

Having considered submission made by the parties and without going into the merits of the dispute present application being C.O. 3767 of 2024 is hereby disposed of giving liberty to the petitioner to make any appropriate prayer before the Court below for reconsideration of the order

that was recorded in connection with service of summons upon proforma defendant no. 4, within a period of ten days from the date of communication of this order and in the event of making such prayer within that period, the court below will dispose of such prayer in accordance with law, and also in terms of the application filed by the opposite parties/plaintiffs under Order XIII-A of the Code of Civil Procedure, within a period of two weeks thereafter, without being influenced by any observation made by this court.

However it is made clear that pendency of aforesaid prayer, if any, will not prevent the trial court to hear and dispose of the case as well as prayer made under Order XIII-A C.P.C.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)