

19.02.2026
Item No.16
Ct. No. 30
Aloke

CO 4328 of 2025

Himachal Chakraborty & Anr.
Vs.
Shyamali Mondal alias Manu Mondal alias Riya
Mondal & Ors.

Mr. Dhananjay Nayak
Mr. Aiswaryya Mukherjee
..for the petitioners

1. In order to verify the opposite parties address on record, this Court directed service upon the opposite parties.
2. It appears from the service return placed today before this Court, that service could not be effected and has been returned with the endorsement “no such person at the address”. “Hence, not known”.
3. It appears that the petitioners have attempted service upon the opposite parties at the address given in the application filed by the opposite party no. 1 under the Domestic Violence Act.
4. Considering the fact that the petitioners have taken appropriate steps by filing an application under Order 5 Rule 20 (1A) of the CPC, which the trial Court has kept in abeyance calling for better particulars, appears to be erroneous.
5. Accordingly, the impugned order dated 07.11.2025 being not in accordance with law is set aside.

6. The trial Court is directed to proceed with the suit upon hearing the application under Order 5 Rule 20 (1A) of the CPC, within 15 days from the date of communication of this order. And on completion of the said process, shall dispose of the injunction application in accordance with law, prior to proceeding with the suit.

6. C.O. 4328 of 2025 stands disposed of.

7. Connected application, if any, stands disposed of.

8. Interim order, if any, stands vacated.

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

(Shampa Dutt (Paul), J.)