
(2022) 02 OHC CK 0110
In the Orissa High Court
Case No : C.M.P.No.1702 Of 2015

Subhendu Kumar Chhotray & Ors.

APPELLANT

Vs

Brajakishore Chhotray & Ors

RESPONDENT

Date of Decision : 14-02-2022

Acts Referred:

Code of Civil Procedure, 1908 — Order 5 Rule 20

Citation : (2022) 02 OHC CK 0110

Hon'ble Judges : Biswanath Rath, J

Bench : Single Bench

Advocate : A.P.Bose, B.Sahoo

Final Decision : Disposed Of

Judgement

Biswanath Rath, J

- 1.Â Â Heard learned counsel appearing for the parties.
2. This Civil Miscellaneous Petition involves basically a direction to the Additional Civil Judge (Senior Division, Puri dated 11.12.2015 directing for taking out notice on opposite party nos. 4 to 7 therein by way of Order 5 Rule 20 of the Code of Civil Procedure involving a paper publication under the observation therein that there is no possibility of service of notice on the opposite parties involved therein.
3. This civil Miscellaneous Petition was filed on the premises that when the court issued notice through both the processes, the trial court should not bank upon postal service since there was also service by court. It is agreed that since there was two ways of service, instead of banking upon the postal service report, it was opened to the court to at least go through service report involved therein and proceed accordingly. This Court finds for the

efflux of time, the nazir report may not be a possibility. For the above, this Court finds there is no proof of service of notice on the opposite party nos.4

to 7 as of now. In the meantime, substantial loss of time is already there. In the event any development taken place in the availability of address of

opposite party nos.4 to 7, it is open to the petitioner either to go ahead with paper publication in terms of the impugned order to file appropriate

application requesting the court to change its view in the impugned order. In the given circumstance, liberty is granted to the petitioners to apply either

of the above, at least within a period of two weeks from the date of production of certified copy of this order before the court below.

4. With this observation, the C.M.P. stands disposed of..

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