

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No.310 of 2003**

Smt. Bizali Bose @ Bizali Prabha Bose
@ Bijoli Prabha Bose **Appellant**

Versus

Shri Tapan Chandra Biswas **Respondent**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Pratyush Kumar, Advocate
For the Respondent :

The matter was taken up through Video Conferencing. Learned counsel for the party(s) had no objection with it and submitted that the audio and video qualities are good.

10/Dated: 10th September, 2021

I.A. No.553 of 2020

1. At the very outset, learned counsel for the appellant has submitted that there is typographical mistake in the title page of the aforesaid interlocutory application, wherein respondent No.06 has been mentioned, whereas it should be the legal heirs of the sole respondent. However, the prayer made in the I.A is correct, accordingly prayer has been made to ignore the said defect.
2. In view of the above submission, the aforesaid defect is hereby, ignored.
3. By way of instant interlocutory application, the appellant has prayed for taking steps for substituted service of notice upon the proposed legal heirs of the deceased sole respondent. It appears that the eviction suit was filed by the present appellant and the same was allowed by the trial court but reversed by the appellate court.
4. Notice was issued upon the proposed legal heirs, but the same could not be served as nobody resides in the tenanted premises, as per the process server's report. Further, the proposed legal heirs have left the tenanted premises and the house was found to be locked. Thus, it is a clear cut case where the notice should be issued by way of paper publication.

5. Considering the above facts, I.A. No.553 of 2020 stands allowed. Learned counsel for the appellant is permitted to take steps for publication of notice in the daily Hindi Newspaper namely, '*Hindustan*' and '*Prabhat Khabar*', Jamshedpur edition.

6. Office is directed to issue draft of notice upon deposit of requisition by the counsel for the appellant for effective service through paper publication. Upon effective service through paper publication, let the supplementary affidavit to that effect be filed thereafter.

7. Let the entire process be completed within ten weeks.

(Rajesh Kumar, J.)

Chandan/-