

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No.2576 of 2013

Rabindra Kumar Sarawgee and Ors. Petitioners
Versus

State of Jharkhand and Ors. Respondents

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner : Mr. Sandeep Verma, Advocate
For the Resp.-Nos.6 & 7 : Mr. Tapeswar Nath Mishra, Advocate

08/Dated 25th March, 2021

The matter has been heard through video conferencing.

The instant case has been listed for passing appropriate order in an interlocutory application being I.A. No.7545 of 2016.

Mr. Sandeep Verma, learned counsel for the petitioners while pressing the instant interlocutory application has submitted that notices have been issued upon the respondent Nos.5 & 8 twice both under registered post with acknowledgment as well as under ordinary process but the same could not have been served upon them, as such, it has been submitted that the respondent Nos.5 & 8 are deliberately and purposely avoiding the service of notice in order to delay the proceeding of the case which is pending since 2013. In view thereof, prayer has been made that the instant interlocutory application may be allowed.

It has been stated at paragraph-4 that the respondent No.5 is residing in the district of Ranchi and the respondent No.8 is residing in the district of Kolkata.

This Court, after having heard the learned counsel for the petitioners, is of the view that at this stage instead of allowing such prayer made in the interlocutory application for alternative mode of service of notice through publication, it would be appropriate to pass an order of service of notice upon the respondent Nos.5 & 8 by way of Dasti notice at the cost of the petitioners. Accordingly, learned counsel for the petitioners is directed to take steps for service of notice upon

respondent Nos.5 & 8 through Dasti notice at the cost of the petitioners, requisites for which to be filed within two weeks after Holi vacation.

Appropriate order in the instant interlocutory application will be passed at the appropriate stage.

So far as respondent Nos.6 & 7 are concerned, it has been submitted by Mr. Tapeswar Nath Mishra, learned counsel that he has filed vakalatnama on their behalf but today he is having no instruction since the respondent Nos.6 & 7 have taken away the brief from him.

Be that as it may, since this case is being adjourned for taking fresh service of notice upon the respondent Nos.5 & 8 and since the respondent Nos.6 & 7 have already put their appearance through their counsel, therefore, there is no need to issue further notice upon the respondent Nos.6 & 7.

Accordingly, list this case after six weeks or after service of notice upon the respondent Nos.5 & 8, whichever is earlier.

(Sujit Narayan Prasad, J.)

Saurabh