

Mat. Suit No. 146 of 2019
(CNR No. WBBB01-001871-2019)
(J.O. No. WB00702)

Order No.19 dated 05.08.2023

This day is fixed for hearing in respect of a petition dt. 06.06.2023 filed by the respondent/wife namely Supriya Bhattacharya (Roy), wherein, she prayed for vacating the order of ex-parte hearing of the instant suit dated 09.03.2023 on the ground stated therein.

The petitioner/husband is present by fling hazira but on repeated calls none appears on his behalf.

The respondent/wife is present by filing her hazira.

Heard Ld. Advocate for the respondent/ wife. Perused the petition along with the photo copies of documents so submitted by the Ld. Advocate as regards to the prolonged illness of her son.

Considered.

Ld. Advocate for the respondent/wife submits in open court that respondent/wife may be given an opportunity to contest the instant suit although the instant suit has been fixed for ex-parte hearing. In view of the order passed by this court dt.09.03.2023.

Ld. Advocate further submits that due to the illness of the minor child of the respondent/ wife she could not appear before the Court on the scheduled date and as such prays for passing necessary order for vacating the exparte hearing of this suit.

In the catena of decisions of the Hon'ble Apex Court wherein, the Hon'ble Apex Court has been pleased to opine that the disposal of suit/case on contest is preferred to ex-parte hearing.

In view of the above circumstances and also on perusal of the instant petition along with the documdents, I find the respondent/wife has assigned good cause for her previous non appearance before this Court. Hence, I find no bar to allow the instant petition. Accordingly, the same is hereby allowed for the ends of justice.

After passing of the above order, the Written Statement has been filed before this court on this day i.e. 05.08.2023 by serving a copy to the Ld. Advocate for the petitioner/husband. Let the same be kept with the record.

Fixing **18.10.2023** for appearance, reconciliation if any and for framing of issues.

Both the parties are directed to remain present positively on the next date fixed.

Both the Ld. Advocates are requested to file the suggestive issues if any in the meantime.

Dictated & Corrected by me

Addl. District Judge,
1st Court, Suri

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