

C.N.R No- WBBD16-010465-2022

Order dated 26.04.2023:-

Today is fixed for passing ex parte order.

Petitioner is present with her Ld. Advocate.

At this stage Ld. Advocate for the O.P appears by filing a fresh vokatnama in respect of O.P no. 1.

Ld. Advocate for the O.P files a petition for vacating or cancellation of ex parte order.

He has also filed a written statement on behalf of the respondents.

Let it be kept with the record.

Copy served upon the petitioner.

Ld. Advocate for the O.P files another petition to supply the copy of main application to the respondents.

Now the petition for vacating or cancellation of ex parte order is taken up for hearing.

Heard both sides.

Ld. Advocate for the petitioner raises strong objection.

Ld. Advocate for the O.P submits that the conducting advocate of this case met with unfortunate accident and as such the respondents were unable to take necessary steps in this case.

Hence, he prays for an order vacating the ex parte order.

On perusal it appears that repeated opportunities have already been given to the respondents to contest this case.

The proceeding of this case is going in delay due to not taking proper steps by the respondents.

However, considering all aspect, I am inclined to give one last opportunity to the respondent to contest this case.

The prayer of O.P for setting aside or cancellation of ex parte order is allowed subject to payment of cost of Rs. 10,000/- payable by the respondent no. 1 to the petitioner.

Ld. Advocate for the petitioner is also directed to supply copy of application u/s 12 of P.W.D.V Act and copy of application u/s 23 of P.W.D.V Act upon the respondent no. 1.

To 09.06.23 for Interim Hearing.

W.O, S/C if any as well as affidavit of assets, income and liabilities by the respondents in the meantime.

Ex parte order will be passed if cost not paid by the respondent no. 1 to the petitioner.

D/C by me,

Judicial Magistrate  
3<sup>rd</sup> Court, Asansol,  
J.O Code WB- 01159

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