

MAT SUIT No. 110 / 2023

Reg. No. 110 / 2023

Order No. 05 Dtd. 15.04.2024

Today is fixed for ex-parte hearing.

The petitioner is present and has filed her affidavit in chief. Let the same be kept with the record. Another petition has been submitted by the Ld. Advocate of the respondent stating that he has been appointed by the SDLSC, Bishnupur to conduct the case on behalf of the respondent, who is now under going life imprisonment at Midnapore Central Correctional Home. He made a prayer that sometime may be allowed to him so that he can make contact with the respondent at Midnapore Central Correctional Home. He has not yet made any prayer for vacating the order of ex-parte hearing.

It is apparent from the case record that the respondent is now being detained in Midnapore Central Correctional Home and it also appears that the present Ld. Counsel has been appointed by SDLSC, Bishnupur to conduct the case on behalf of the respondent.

In such circumstances this court is of the view when the respondent is detained in Correctional Home he must be given an opportunity to contest this case if he is so willing. The Ld. Counsel appearing for the respondent was appointed to conduct the case on the prayer of the respondent himself and as such it can not be said that the respondent is not willing to contest this case. Accordingly, the Ld. Counsel appearing for the respondent is given liberty so that he can take proper instruction from him and take steps accordingly in this case. I am not vacating the order of ex-parte hearing as there is no prayer in that regard but the Ld. Counsel for the respondent is given an opportunity to take necessary instruction from him by the next date positively. If on the next date no proper step is being taken by the respondent the suit shall proceed ex-parte as usual.

Fix – 19.07.2024 for ex-parte hearing.

Let a copy of this order be sent to the respondent namely Akhilesh Biswas through the Superintendent, Midnapore Central Correctional Home.

D/C by me

Addl. Dist. Judge,
Bishnupur, Bankura .

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