

Misc. 47 of 126 of 2022 (Rg. No. 109 of 2022)

Present : Sri C. Pramanik, J. M. 2nd Court, Bishnupur, (J.O. Code WB01207)

Order dated 02.07.2024

Today is fixed for order.

Petitioner files hazira through her Ld. Advocate.

OP is present and files petition praying for vacating order of Ex-parte along with Written objection. Let the WO be kept with the record.

Ld. Advocate for the Petitioner is present.

Now the record is taken up for hearing of petition for vacating the ex-parte order.

Ld. Advocates for the both sides are present.

Ld. Advocate for the OP submits that due to miscommunication between the Ld. Advocate with the OP, the OP could not take steps and for that reason the case was fixed for ex- parte hearing. Now the OP is willing to contest the case. OP has also filed a show cause petition and the mistake was unintentional on the part of the OP. Ld. Advocate, therefore, prays for vacating the ex- parte order.

Ld. Advocate for the petitioner in his good gesture prays to allow the petition but with cost.

Perused the petition for vacating ex-parte order as well as show cause filed by the OP.

Considered.

It is always expected that both parties of the case should contest the case and case is required to be disposed of in contested manner.

Considering the submission of both sides and the conduct of the OP in regard to this case the present petition for vacating the ex-parte order is allowed but with cost of Rs.2,000/-.

As such order of ex-parte is hereby vacated with precondition that OP should pay cost of Rs.2,000/- to the petitioner.

The OP has also files a petition praying for time to file affidavit for declaration of assets and liabilities and the prayed for time to deposit cost.

On consideration prayer is allowed.

Fixed **24-07-2024** for hearing of interim maintenance petition, filing of affidavit for disclosure of assets by the OP and payment of Cost by the OP.

D & C by

Judicial Magistrate, 2nd Court,
Bishnupur.

Judicial Magistrate, 2nd Court,
Bishnupur.