

MISC. CASE NO. 21 OF 2025
CIS NO. 23 OF 2025
JO CODE WB00784

Order No: 07, dt. 13.03.2026

Ld. Advocate for the petitioner is present.

Respondent / wife is also present along with her Ld. Advocate.

Today is fixed for hearing of misc. case.

Ld. Advocates for the parties are present.

Record is taken up for hearing.

Heard Ld. Advocates of both the sides.

Perused the petition filed by the petitioner / husband u/O. IX Rule 9 r/w. Section 151 of CPC praying for restoration of the original Mat.suit which was dismissed for default on 16.07.2025 on the ground stated in the petition, which is registered as Misc. Case No. 21 of 2025.

The opposite party in the misc. case already appeared and is contesting the misc.case.

Ld. Advocate for the opposite party present submitted before me that the parties are eager to settle their dispute in between them and he has also sought for sending the record for mediation so that the parties could settle their dispute amicably and to come on a point.

Having heard the proposal of the Ld. Advocate for the opposite / party wife and in the interest of justice I think that the parties should be given a chance to settle their dispute and for which the misc. case filed by the petitioner / husband is required to be disposed of.

Accordingly, the misc. case filed by the petitioner / husband is considered and disposed of uncontested with a payment of cost of Rs. 5,000/- by the petitioner / husband.

Amount of cost to be paid by the petitioner / husband is to be paid in favour of the Secretary, DLSA, Darjeeling.

Misc.case is accordingly disposed of.

Mat.Suit be restored to file and be fixed to its usual stage along with the petition filed by the opposite party / wife praying for maintenance pendenti lite dated 06.06.2025.

Petitioner / husband to file receipt of payment of cost by the next date.

To **30.03.2026** for filing receipt of payment of cost and further order.

Let a copy of this order be sent to the Secretary, DLSA, Darjeeling, for information.

Dict. & corrected by me

Sd/-
District Judge, Darjeeling(I/C)

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