

Mat Suit. No. 1127 of 2021
CNR No. WBHW01-004547-2021
Present : Sri Plaban Mukherjee (J.O Code : WB01427)

Order No. 19,
Dated : 27.03.2024,

Today, the date is fixed for further hearing.

Petitioner files hazira through Ld. Advocate.

Respondent files hazira through Ld. Advocate.

Now the case record is taken up for further hearing of the petition praying for vacating the ex parte order of the suit.

Heard both sides in full.

Ld. Advocate for the respondent/husband submitted that due to some clerical mistake and wrong entry in the diary, he could not take proper steps on the date fixed and he could not file the written statement within the stipulated period. It is further submitted that he has already filed written statement along with his show cause and prayer for vacating the ex parte order.

Ld. Advocate for the petitioner/wife submitted that the respondent has willfully delayed to file his written statement and he should not be allowed to contest the suit.

Perused the case record, wherefrom, it appears that the respondent appears in this case on 11/04/2022, but has not filed his written statement and accordingly, on 21/12/2022, this suit was fixed for ex parte hearing.

It further appears that on the very next date i.e. on 17/01/2023, the respondent/husband filed show cause along with W.S and also a prayer for vacating the ex parte order.

Under the above facts and circumstances and considering the cause shown by the respondent/husband, I am of the considered view that an opportunity should be given to the respondent/husband to contest the suit.

Hence, the show cause, submitted by the respondent/husband is accepted and accordingly, the prayer for vacating the order of ex parte hearing is hereby allowed by recalling the order being No.10, dated 21/12/2022, subject to payment of cost of Rs.1000/- to be paid to the petitioner.

Fix 17/05/2024 for filing the payment of cost receipt by the respondent/husband and acceptance of W.S.

Dictated & Corrected by me.

A.D.J, 1st Court, Howrah.

Additional District Judge,
1st Court, Howrah.