

30.01.2025

Today is fixed for hearing of the petition praying for vacating the ex-parte order.

Both parties filed represented hazira.

This is an application filed by the O.P praying for vacating the order of this Court directing to proceed the case ex-parte on 16.08.2024.

It has been contended by the Ld. Advocate for the O.P that on 16.08.2024 the O.P could not mark his presence when the matter was called for hearing as he was busy in serving the copy of his assets and liabilities to the petitioner. Thereafter, when he learnt about the order of this Court then he on that day subsequently filed his affidavit of assets and liabilities.

Hence, this application.

Ld. Advocate for the petitioner raised strong objection and submits that the respondents are intentionally protracting the trial of this case by filing such petition and so the petition is liable to be rejected.

Heard both sides in full.

On careful scrutiny of the record I find that on 16.08.2024 the O.P no.1 filed hazira and also filed his affidavit of assets and liabilities but somehow he could not mark his presence at the time of hearing of this case. So, having regard to the facts and circumstances of the present case, I am of the view that the present petition is liable to be allowed.

Hence, the application is considered and allowed without any cost.

Respondents are directed to proceed with the hearing of interim application on the next date fixed for hearing.

To 03.05.2025 for interim hearing W/O if any in the meantime i/d heard on merit.

D/C

J. M. 2nd Court

Howrah.