

**MC 248/2020**  
**J.O. Code: WB01233**

**Order dated 23-08-2024**

Today is fixed for filing W.O by OP and affidavit of assets and liabilities, i/d ex-parte.  
Both the parties are present with their Ld. Advocates and files hazira.

OP filed the petition today challenging the legality of the complaint filed by the petitioner. Copy served. Objected to.

Ld. Advocate of OP also filed the adjournment petition praying therein for hearing the above mentioned petition at first and then the respondent will file W.O. and affidavit of assets and liabilities. OP also filed the another adjournment petition so that he can file the W.O. and affidavit of assets and liabilities on the next date fixed.

Ld. Advocate of OP at the time of hearing submitted that it is necessary to hear the petition of maintainability of this case at first and accordingly the OP has not filed the W.O and affidavit of assets and liabilities.

Ld. Advocate of petitioner raised objection and submitted that the petition is liable to be rejected since the OP has not filed the W.O.

The Court perused the petition and considered the submissions of both the Ld. Advocates and finds that the OP has filed the petition for challenging the legality of the case but he has not filed the W.O and affidavit of assets and liabilities and without filing those documents the OP has no locus standy to file the simplicitor the petition of non maintainability.

Accordingly, it is hereby,

**ORDERED**

that the petition filed by the OP today challenging the legality of the case is considered and rejected on contest.

As a consequence, both the adjournment petitions filed today by OP also stands rejected on contest.

The case will proceed ex-parte against OP.

Fix 21-11-2024 for ex-parte hearing.

D/C by me

J.M. 2<sup>nd</sup> Court Uluberia

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