

Mat Suit No. 152/2022

R No. 153 of 2022

Present: Monodeep Dasgupta (WB 00967)

Additional District & Sessions Judge

Fast Track Ranaghat, Nadia

Order no. 09 dated 02.03.2024

Today is fixed for Exparte hearing of the instant Mat Suit.

The petitioner Anjali Halder is present by filing attendance along with her Ld. Counsel.

An affidavit in chief along with documents as per firisti is filed on behalf of the petitioner.

The respondent Sanjoy Halder is present and files a verified application praying for an order for setting aside the order of exparte hearing and also files a written statement.

Copy served.

The verified application praying for setting aside the order for exparte hearing is taken up for consideration.

Perused the application and other materials on record.

Heard the Ld. Counsel for the respondent who prays before this Court for allowing the verified application praying for setting aside the order for exparte hearing and also prays for acceptance of the W.S filed today.

Heard Ld. Counsel for the petitioner who vehemently opposes the verified application praying for setting aside the order for exparte hearing as filed by the respondent. It is submitted that the written statement cannot be accepted as the same has been filed long after the stipulated period for filing the written statement and further submits that the application is not supported by way of affidavit. It is also further submitted that the application does not disclose any grounds as to why the written statement could not be filed within the stipulated period.

Considered the submissions and perused the record.

It appears to this Court that the respondent appeared to contest the claim of the petitioner in this instant suit on 02.06.2022 but the written statement is being submitted today when the case record has been already slated for exparte hearing. Now the respondent seeks an opportunity to contest the claim of the petitioner by filing the written statement today. It is pellucid that the period for filing written statement by the respondent has already expired after taking into account the date when he tendered appearance in this instant suit. It is also found that vehement objection has been raised by the Ld. Counsels for the petitioner against the application and against the prayer for acceptance of the written statement. It is found that the respondent did not bother to file any written statement till today although he prays for an opportunity to contest the claim of the petitioner. The conduct of the respondent does not appear to be satisfactory and he has been only watching the progress of this instant proceedings. But to prevent multiplicity of proceedings and to ensure that the litigation is not frustrated, this Court thinks that a last opportunity should be extended to the respondent to contest the claim of the petitioner but subject to payment of exemplary costs by him to the petitioner for delaying the litigation.

Accordingly, the verified application praying for setting aside the order for exparte hearing as filed by the respondent is considered and allowed subject to payment of costs of Rs. 2000/- payable by him to the petitioner. The written statement filed by him today also stands accepted.

Fixing **25.04.2024** for reconciliation and payment of costs of Rs. 2000/- by the respondent to the petitioner.

Dictated & Corrected by me

Additional District & Sessions Judge,
FTC, Ranaghat (Nadia).

Additional District & Sessions Judge,
FTC, Ranaghat (Nadia).