

M.Case No.-19 of 2024

Order dt.22.05.2025.

Today is fixed for ex parte hearing.

The petitioner is present along with her Ld. Advocate. The petitioner has also filed the affidavit as to her assets and liabilities.

An application has been preferred on behalf of the OP inter alia praying for vacating the order of exd parte hearing and providing an opportunity to contest the case. The OP entered appearance through vakalatnama which was duly attested (Apostille) by Mischelle Joy Thayer being a notary public, State of Washington for the Secretary of State, State of Washington with an acknowledgment certificate by the same authority.

The record reveals that the Ld. Advocate for the complainant caused service of notice upon the OP through email on 12.09.2024 and through whatsapp but finding him absent on 03.12.2024 this court fixed the matter for ex parte hearing. The OP also did not turn up on the next date of hearing i.e. 19.03.2025. However, today the OP entered appearance and prayed for contesting the case which this court finds appropriate for effective adjudication of the case. But the OP should be saddled with some cost for undue harassment of the petitioner.

Hence, it is

ORDERED

that the application so preferred by the OP is hereby allowed.

The order of ex parte hearing is hereby recalled on the following conditions;

- 1.that the OP shall submit the W.O and the affidavit as to assets and liabilities on the next date positively.
2. that the OP shall pay cost of Rs.2000/- to the petitioner for the delay in entering appearance and thereby protracting the case.

Needless to mention here that failure of the OP to abide by the aforesaid conditions would automatically recall this order so far it relates to the opportunity of contesting and recalling the order of ex parte hearing dt. 03.12.2024.

Inform all concerned.

To 14/07/2025 for hearing.

Dictated by,

ACJM

ACJM.,Bidhannagar