

Mat Suit No.180 of 2022 (Reg no.180 of 2022)

12.12.2024

The wife/respondent filed a recall petition for recalling the exparte order on 10.07.2024 together with written statement.

The wife/respondent could not say when she received the summons.

In its absence, the 120 days ceiling for filing of written statement cannot be counted. The Id. Advocate for the wife/respondent submitted that she will show the summons to show when the summons was received. She also submitted that it is for the petitioner/husband to show by track report as to when this summons was served.

Now, this Court is of the view that when the Court takes up exparte hearing, it is for the petitioner/plaintiff to show that the summons was served but when the respondent/defendant comes to the Court and asked for acceptance of the W/S it is for the respondent/defendant to show when she received the summons to calculate the 120 days prescribed by the Civil Procedure Code. Therefore, the case is adjourned for the respondent to show when she received the summons and only after that this Court will consider the acceptance of the W/S or recalling of the exparte order because by recalling of the exparte order only without considering the W/S, whether to be accepted or not, the time of the Court will be killed only.

Fix **03.03.2025** for production of the summons.

Dictated and Corrected by me

Sd/-
Addl. District Judge
1st Court, Purulia

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1st Court, Purulia
(JO Code WB01242)