

Misc Case 23 of 2023
CIS- 23 of 2023

Dated: 17.02.2025

Today is fixed for hearing.

Both the parties are present with their respective Ld Advocate.

Ld Advocate for the O.P. also filed asset and liability.

Record is taken up for hearing.

Ld Advocate for the O.P. submitted that no copy of interim maintenance is served on them, hence praying to vacate the interim order passed by this court on 02.01.2025. On the other hand Ld Advocate for the petitioner has submitted that the O.P. wilfully evaded the hearing in order to cause delay.

Heard.

It appears from the case record that the O.P. had been given ample of opportunity to contest the case but he refused to do the same. However for proper adjudication and for the ends of justice this court is of the opinion that the matter should be heard in presence of both the party following *audio alterm partem*.

Accordingly the order passed on 02.01.2025 is hereby vacated but with a cost of Rs. 500/- payable to the petitioner. Order of vacate is subject to payment of cost to the petitioner.

Fix 27.03.2025 for hearing of interim maintenance.

D/C by me

JM1

Judicial Magistrate 1st Court
Raghunathpur, Purulia