

CNR No: WBSP01-00800-2022

Present: Subhra Som Ghosal

J.O Code: WB00984

MAT Suit No: 430 of 2022

Order No. 19, dated: 06-10-2023.

The petitioner/wife as also the respondent/ husband has been duly represented by filing hazira.

As stipulated by the previous order today is fixed for hearing the petition dated 29.04.2023 praying for vacating the order of ex-parte hearing filed on behalf of the respondent/ husband.

On call Ld. Advocates for both the parties are found to be present. Hence the case record is taken up for hearing.

Heard Ld. Advocates.

Perused the case record.

The ld lawyer for the respondent/ husband submitted that his client may be given an opportunity to ventilate his stand before this court or else a valid ground may be turned down even without being heard particularly when the respondent/ husband has filed written statement alongwith counter claim praying for divorce. The prayer was vehemently opposed by the learned lawyer for the petitioner/wife and it was argued that the petitioner will be prejudiced if the prayer is allowed.

When indeed in this case the respondent/ husband is praying to contest this case in that event keeping in mind the canons of our legal jurisprudence, I am inclined to afford the opposite party with an opportunity to ventilate his cause before this court and contest the claim of the petitioner/wife. However this court is not unmindful of the fact that the petitioner/wife has to suffer inconvenience due to the delay and she is entitled to get compensated by way of cost to be paid by the respondent/ husband.

Hence it is ordered;

That the petition as filed by the respondent/ husband is hereby allowed. The respondent/ husband is given an opportunity to defend this case but subject to payment of cost of Rs. 1000/ to the petitioner/wife.

Written Statement has been filed on behalf of the respondent/ husband. Copy of the Written Statement is served to the other side.

Perused the Written Statement. The Written Statement is accepted and let it be made part of the case record.

Hence fix 01.02.2024 for reconciliation.

Typed to the dictation directly;

corrected on the system.

Additional District and Sessions Judge,
01st Court, Alipore, South 24 parganas.

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