

Misc case 3/2022

Reg no. 27/2022

Order no. 10

19.09.2023

Today is fixed for filing show cause by the respondent. Petitioner files hazira. The respondent files a show cause petition supported by an affidavit. Copy served.

Heard Ld Advocate for the respective parties. It was contended by the Ld Advocate for the respondent that the mother of the respondent, who was the only companion of the respondent, who was suffering from knee and neck problem as a result of which it was impossible for her to accompany the respondent covering the distance of almost 80 kms. It was further contended by the Ld Advocate that he took steps on the last occasions at delated stage and as such the respondent was found unrepresented when the matter was taken up for hearing by the Court. The Ld Advocate for the respondent therefore, prays fr mercy of the Court to provide opportunity of being heard to the respondent.

On the flip side, Ld Advocate for the petitioner raised vehement objection and contended that the respondent was not willing to proceed with this case as she was appearing in maintenance case on regular basis. Ld Advocate for the petitioner further contended that if the Ld Court is pleased to provide opportunity to the respondent, it should be done by imposing cost upon the respondent.

Perused the show cause petition filed by the respondent. The long distance between the residence of the respondent and Court has specifically been pleaded by the respondent as a pivotal ground for acceptance of the show cause as her mother was ill at that materal point of time for which she was unable to attend the Court being accompanied by her mother. The Court, being an impartial institution, has to strike balance between rendering justice as well as expeditious disposal fo the matter in hand. However, when the party concerned expresses her desire to contest the case by filing show cause, the Court should not stand in the way of contesting the case thereby curtailing her right to contest. The principle of natural justice demands providing equal opportunity of being heard to the adversary and considering the ground of show cause and strict adherence of principle of natural justice, I am inclined to accept the show cause filed by the respondent.

Hence, the show cause filed by the respondent dated 19.09.2023 stands accepted.

Fix 09.01.2024 for filing affidavit of assets and liabilities by the petitioner as a last chance.

D/C

Bikash Lama
J.O. Code WB00935
ADJ, F.T.C-I
Sealdah, 24PGS (S).

