

Order No.06.
Dt.28.03.23.

Today is fixed for hearing of the application dated 05.01.22 submitted by the respondent.

Parties file hazira.

Record is taken up for hearing.

Heard both sides.

Submitting the application dated 05.01.22 along with written statement, respondent has prayed for rejection of the application for decree of divorce. Such application has been captioned under Order 9 rule 13 of CPC and in paragraph 2 of the said application respondent has prayed for vacating the order for exparte hearing.

From the record it appears that OP entered appearance in this suit on 30.08.2022. Vide order no.4 dated 13.12.22 the suit was fixed to be heard exparte against him as he failed and neglected to submit W.S. On 05.01.2022, i.e. on the next date of hearing OP came with the instant application along with his written statements. Though, the application has been captioned wrongly and the prayer portion is also not proper, but the intention of the OP and his prayer can be gathered therefrom. As such, the application is construed as one for vacating the order for hearing the suit exparte against him. Considering the fact that the OP has submitted in written statements and is willing to contest the suit I am inclined to accord one opportunity to the respondent to contest the same.

Hence, the order for hearing the suit exparte is hereby recalled.

The application dated 05.08.22 stands disposed of accordingly.

To 14.06.23 for reconciliation i.d framing of issued.

Both parties are remain present on the date fixed.

D/C:

ADJ FTC-II Sealdah

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