

GAHC010158852023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP(IO)/221/2023

NABANITA CHOUDHURY (WIFE)
W/O SRI ABHIJIT NATH, P/R/O FLAT NO. C-7, HOLY MOUNT HOME, ALOK
NAGAR BHETAPARA CHARIALI, P.O.-BELTOLA, P.S.-HATIGAON,
GUWAHATI-781028, DIST- KAMRUP, METRO, ASSAM

VERSUS

ABHIJIT NATH (HUSBAND)
S/O AMBU RAM NATH, R/O FLAT NO. C-7, HOLY MOUNT HOME, ALOK
NAGAR BHETAPARA CHARIALI, P.O.-BELTOLA, P.S.-HATIGAON,
GUWAHATI-781028, DIST- KAMRUP, METRO, ASSAM, ALTERNATE ADDRESS
(OFFICE ADDRESS)- A.U. SMALL FINANCE BANK, BRANCH SALES
MANAGER, GROUND FLOOR, NBS TOWER, G.S. ROAD, NEAR
DATAMATION BORA SERVICE, GUWAHATI-07, P.O.-ULUBARI, P.S.-
PALTANBAZAR, PIN-781007, ALTERNATE ADDRESS - HOUSE NO. 27, WARD
NO. 9, SANKARDEV NAGAR, P.O.-MORIGAON, P.S.-MORIGAON, DIST-
MORIGAON, ASSAM, PIN-782105

Advocate for the Petitioner : MR. A K AHMED, MS A AHMED,,MD A ISLAM,MR A AHMED

Advocate for the Respondent : MR. M . RAHMAN,

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 07.08.2024

Heard Mr. A.K. Ahmed, learned counsel for the petitioner and Mr. M. Rahman, learned counsel for the respondent.

2. This petition, under Article 227(1) of the Constitution of India, read with Section 115 of the Code of Civil Procedure, is preferred by the petitioner, namely, Nabanita Choudhury, challenging the correctness or otherwise of the order dated 05.07.2023, passed by the learned Principal Judge, Family Court-II, Kamrup(M), Guwahati, in F.C.(Civil) Case No. 902/2022.

3. It is to be noted here that, vide impugned order dated 05.07.2023, the learned Principal Judge, Family Court-II, Kamrup(M) was pleased to reject the Petition No. 509/2023, dated 05.07.2023, wherein a prayer was made to grant some time to file the written statement as the stipulated period of 90 days had already elapsed.

4. Mr. Ahmed, learned counsel for the petitioner submits that in the aforementioned case, the petitioner had received notice, but, she could not file the written statement within the stipulated period because of her illness and that there is also a mistake in calculation of the period of 90 days.

5. Mr. Rahman, learned counsel for the respondent submits that he has no objection in the event of granting an opportunity to the petitioner to file written statement before the learned Principal Judge, Family Court-II, Kamrup(M), Guwahati.

6. Having heard the submission of learned Advocates of both sides and also considering the facts and circumstances on the record, and also in the interest

of justice, this Court is inclined to allow the petition. Accordingly, it is provided that the petitioner shall submit her written statement before the learned Principal Judge, Family Court-II, Kamrup(M), Guwahati within a period of one week from today and the learned Principal Judge, Family Court-II, Kamrup(M), Guwahati shall take the same onboard and thereafter, proceed to hear the matter in accordance with law.

7. In terms of above, this CRP(IO) No. 221/2023 stands disposed of.

JUDGE

Comparing Assistant