

S/L 14
23.04.2021
Court. No. 19
GB

C.O. 691 of 2021

Rinku Pramanik @ Das
Vs.
Rana Pramanik

(Through Video Conference)

Mr. Kuntal Banerjee.

...for the Petitioner.

*Mr. Rajdeep Bhattacharya,
Mr. Amitava Bhowmick.*

...for the Opposite Party.

This revisional application arises out of an order dated January 18, 2021, passed by the learned District Judge, Paschim Bardhaman in Act VIII Misc. Case No.21 of 2019.

The prayer of the petitioner to file the written statement to the Act VIII case was rejected by an order dated March 4, 2020 and the Act VIII case was fixed for *ex parte* hearing. By an application under Section 151 of the Code of Civil Procedure, the petitioner prayed for recalling of the order dated March 4, 2020 along with a further prayer for an opportunity to file the written statement to the Act VIII case.

It is the contention of the petitioner that her previous lawyer had not cooperated with her and as such she was in the look out for a new lawyer. The lockdown and the pandemic situation intervened in the meantime and she was not able to engage a new lawyer, as such, the written statement/objection to the Act VIII case could not be

prepared and filed on time. In the recalling application, the petitioner prayed that one last chance to be given to the petitioner to file the written statement in the proceeding by recalling the order fixing the Act VIII case for ex-parte hearing.

Mr. Bhattacharya, learned advocate appearing on behalf of the opposite party submits that the petitioner was always aware of the proceeding and was contesting the interim application for visitation, but purposely chose not to file the written statement to the Act VIII case in order to delay and drag the proceeding.

However, having considered the explanation given by the petitioner as to why the written statement could not be filed during the pandemic situation, one last opportunity is given to the petitioner to file the written statement/objection to the Act VIII case on the next date fixed by the learned court below.

It is made clear that the learned court below shall dispose of the Act VIII case expeditiously, preferably within a period of one year upon allowing the petitioner to contest the same.

The revisional application is disposed of.

There will be, however, no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)