

03.11.2022
Item No.1
Ct. No.7
CHC
(disposed of)

C.O.364 of 2022
IA NO. CAN/1/2022

Dr. Khushboo Sharma Nee Chandra
Vs.
Dr. Kishalaya

Mr. Sambhu Nath De,
Mr. Ranjit Kumar Ghosh
...for the petitioner/wife

Mr. Neil Basu,
Mr. Sankha Biswas
...for the o.p./husband

The matter has come up in the list upon mentioning for extension of the interim order.

Mr. Neil Basu, learned advocate appearing for the opposite party/husband submits with all his usual frankness that since the dispute between the parties arises out of a matrimonial discord, an opportunity to contest the suit may be extended to the petitioner, though there has been delay caused in filing written statement as per provisions available under Order 8 Rule 1 C.P.C. He, however, proposes for expeditious disposal of the Matrimonial Suit.

Mr. Sambhu Nath De, learned advocate appearing for the petitioner submits that he has no objection to secure expeditious disposal of the suit, but there are some interlocutory applications pending, which may be directed to be disposed of.

The subject-matter of challenge is against the order dated 18th January, 2022, passed by learned Additional District & Sessions Judge, 6th Court, at Alipore, South 24 Parganas, in Mat. Suit No.852 of 2020, fixing the suit for *ex parte* hearing.

Learned advocate representing the opposite party/husband wanted to contest the suit upon filing written statement with a separate application for vacating the *ex parte* hearing.

In view of the submission disclosed by the learned advocate appearing for the opposite party, there lies nothing further for adjudication any more giving extensive hearing.

The impugned order dated 18th January, 2022, passed by learned Additional District & Sessions Judge, 6th Court, Alipore, in Mat Suit No.852 of 2022, be set aside.

The written statement, if filed, may be accepted upon consideration of a separate application containing the explanation regarding delay caused in the submission of written statement as per provisions available under Order 8 Rule 1 C.P.C. If such application is already filed, the same may be considered along with written statement, and written statement may be accepted accordingly.

The pending interlocutory applications filed by the petitioner/wife or any other interlocutory application, if

there be any pending at the instance of the opposite party/husband may be disposed of expeditiously in accordance with the law, so that logical conclusion of the suit may be reached at an early date, without granting any unnecessary adjournment, unless it is extremely unavoidable.

The revisional application along with application being IA NO: CAN/1/2022 stands disposed of.

Parties are directed to make communication of this order to the court below.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)