

07.03.2022
(S/L-19)
Ct.-18
(Susanta)

C.O. 2413 of 2019
With
I.A. No. CAN 1 of 2020 (Old CAN 1914 of 2020)

Mrs. Kanika Biswas (Mandal)
-Vs-
Sri Tapan Kumar Biswas
Mr. S. Abedin,
Mr. Vivekananda Bose,
Mr. Ratikanta Pal,
.... For the Petitioner.

Affidavit-of-service files in Court today be kept
with the record.

Despite repeated attempts, the presence of
opposite party cannot be secured.

The petitioner has suffered an ex parte decree of
divorce in Matrimonial Suit No. 704 of 2018.

The petitioner for setting aside the said decree
has filed an application under Order IX Rule 13 of the
Code of Civil Procedure registered before the 6th
Court of learned Additional District Judge, Alipore,
District 24-Parganas (South) as Miscellaneous Case
no. 300 of 2019.

The said Miscellaneous Case was filed out of
time, as such, an application for condonation of
delay was also taken out.

The said Miscellaneous Case and the application
for condonation of delay thereto are pending
disposal.

The grievance of the petitioner is that unless the
said application for condonation of delay is disposed

of expeditiously she cannot pray for stay by the ex-parte decree of divorce.

C.O 2413 of 2019 is disposed of by requesting the learned Trial Judge to take up the hearing of the application for condonation of delay immediately and to dispose of the said application in accordance with law as expeditiously as possible preferably on the next date fixed in the said Misc. Case.

It is however observed that it is lawful for the husband not to marry again during the pendency of the said Misc Case.

**Re: I.A. No. CAN 1 of 2020
(Old CAN 1914 of 2020)**

This is an application for extension of interim order although appearing in the list but not in the file.

Mr. Bose, learned advocate for the opposite party supplies photocopy of the said application which is taken on record which is treated to be part of the record.

In view of disposal of the revisional application, no further order need be passed on the said application.

The application being I.A. No. CAN 1 of 2020 (Old CAN 1914 of 2020) is disposed of accordingly.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)