

19.6.2023

ct. 236

sk,sl. 6

C.O. 1774 of 1994

Arati Das- vs-Somnath Das

None appears on behalf of the petitioner.

The Hon'ble Supreme Court in Robin Thapa
Vs Rohit Dora, reported in AIR 2019 S.C.C. 3225
held that:

“8 Ordinarily a litigation is based on adjudication on the merits of the contentions of the parties. Litigation should not be terminated by default, either of the plaintiff or the defendant. The cause of justice does require that as far as possible, adjudication be done on merits”.

This revisional application is pending since 1994 challenges the judgment and decree passed on 11th July, 1991 by the learned Additional District Judge, 5th Court at Alipore in MAT Suit No. 13 of 1991. More than 30 years have elapsed since the date of judgment.

I do not find any reason to interfere with the impugned ex parte order, granting the decree of divorce. Consequently the revisional application stands dismissed, however, without cost.

(Siddhartha Roy Chowdhury, J)