

11.12.2023
Court No. 19
Item no. 262
CP

CO/2468/2023

GAUTAM KUMAR MISHRA
VS
NEHA DEBEY ALIAS NEHA
MISHRA DUBEY

Mr. Asis Bhattacharyya

.....for the petitioner.

Despite service, none appears on behalf of the opposite party/wife.

The petitioner prays for expeditious disposal of Matrimonial Suit No. 655 of 2019 which is pending before the learned Additional District Judge, Fast Track, 1st Court at Howrah. According to the petitioner, the opposite party has not been entering appearance. The petitioner prays that the suit be fixed for ex parte hearing. The learned trial court was of the view that an administrative notice was required to be issued. Accordingly, a fresh administrative notice was issued by the court. The matter was fixed for SR and further order.

Under such circumstances, when the learned court was of the view that the suit cannot be proceeded with ex parte and an administrative notice should be issued upon the wife, this court is not inclined to pass any order directing the trial court to proceed with the suit, ex parte. The learned court is

at liberty to pass necessary orders, on the basis of the outcome of the service of the administrative notice, keeping in mind that justice should be of paramount consideration.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)