

04.10.2023
Court No.1
Item No.14
Pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**FAT 8 of 2022
With
CAN 1 of 2022**

**Nilakshi Roy
Vs.
Amit Kumar Basak**

Mr. Arnab Saha

... for the Appellant.

1. The matter has been listed in the warning list since last week.
2. Despite service of notice, respondent is not represented.
3. Affidavit of service along with track reports is kept with the record.
4. By an order dated 6th February, 2023 a Coordinate Bench recorded that the appellant has made out a good case for inability to file written statement in view of the ongoing pandemic. There is already an interim order staying the ex parte judgment and decree dated 21st April, 2022 passed by the Coordinate Bench.
5. Having regard to the facts and circumstances of the case, this Court is of the view that the appellant/wife is entitled to contest the Matrimonial

Suit No.154 of 2019 before the learned Additional District Judge, 1st Court at Jalpaiguri.

6. Let the impugned judgment and decree dated 21st April, 2022 shall stand set aside.

7. Appellant shall file written statement within a period of two weeks from date.

8. The said suit shall be taken up on contest afresh by the Court below.

9. The appeal shall stand disposed of.

10. The appellant shall communicate a copy of this order to the respondents.

11. There shall be no order as to costs.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)