HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
TRP(C) No.10 of 2023

Smt. Uma Debnath

..... Petitioner(s)

V E R S U S

Sri Laxman Debnath

..…. Respondent(s)

For Petitioner(s) : Ms. Suchitra Ghosh, Advocate.

For Respondent(s) : None.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

_O_R_D_E_R_

05.01.2024

Despite more than sufficient time granted for service of notice upon the respondent by order dated 18.10.2023, no steps have been taken. Petitioner remained unrepresented on 18.10.2023. Then, again on 01.12.2023 and subsequently on the last date i.e. on 22.12.2023 she remained unrepresented and it was observed that if proof of service of notice is not furnished by next date, neither would any adjournment be granted and the petition may be dismissed for non-prosecution.

Today, learned counsel for the petitioner Ms. S. Ghosh submits that steps could not be taken for service of notice as the petitioner has financial constraints. It appears that earlier by order dated 25.08.2023 petitioner was permitted to take personal notice through her counsel upon learned counsel appearing for the respondent-husband in T.S.(Divorce)

No.47 of 2022 pending before the learned Family Judge, Udaipur, Gomati Tripura and file proof of service. Matter was thereafter adjourned at the request of the learned counsel for the petitioner. Thereafter, petitioner remained unrepresented and no proof of *dasti* service of notice was received. Thereafter, petitioner was allowed opportunity to take steps for service of notice through the counsel representing the respondent in the court below or to take steps for filing substituted service. Finally, by order dated 18.10.2023, on the application of the petitioner under Order V Rule 20, prayer to effect substituted service of notice through newspaper was allowed which has remained uncomplied till date. It, therefore, appears that petitioner is not interested in seriously pursuing the matter. As per the status report of T.S.(Divorce) No.47 of 2022 obtained from the NJDG site, the case is fixed for orders before the learned court.

In such circumstances, this Court is not inclined to allow any further indulgence. The instant petition is, therefore, dismissed.

(APARESH KUMAR SINGH) CJ

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