

Item No.2
04.03.2024
Court. No. 19
GB

C.O.4066 of 2023

Dr. Ranjan Sengupta
VS
Dr. Debaleena Sengupta

Mr. Sagnik Chatterjee

...for the Petitioner.

Mr. Karan

...for the Opposite Party.

1. By the order dated September 15, 2023, the learned Additional District Judge, First Court at Barasat, District – 24 Parganas (North), accepted a belated written statement filed by the wife, although the wife did not press the application for acceptance of a belated written statement.
2. Mr. Chatterjee, learned advocate appearing on behalf of the petitioner submits that the written statement was filed after several years. Even if exemption could have been granted to the wife due to the COVID pandemic upto February 28, 2022, the acceptance of the written statement was highly belated. No sympathy could have been shown to the wife who had dragged the proceeding since long. Mr. Chatterjee further submits that the application which was filed seeking belated acceptance of the written statement, was not signed by the wife. Such was the reason for withdrawal of the application. Without such application, the written statement could not be accepted. Moreover, the order by which the suit was fixed for ex parte hearing, remained.

3. The learned advocate for the opposite party submits that the wife should be allowed to contest the suit or else, serious injustice would be caused to her. The reconciliation has failed and the matter was before the court for contested disposal.
4. It appears that the wife had not signed in the first page of the application. In the second page, her signature is available. However, inadvertence and mistake of such nature may be ignored. They do not appear to be mala fide. This is a matrimonial suit filed by the husband. The decision in a matrimonial suit has far-reaching consequences, namely, social, economic and emotional. The wife should be granted an opportunity to contest the suit, for the ends of justice.
5. Under such circumstances, the order impugned appears to be justified, or else non-acceptance of the written statement and ex parte decision in a matrimonial matter would result in serious miscarriage of justice.
6. However, it is surprising that the wife had filed an application for maintenance pendente lite, but did not think it necessary to file the written statement on time. A litigant has to be diligent. Delay in filing the written statement should be reviewed seriously.
7. The order impugned is not interfered with, but the wife will pay cost of Rs.3,000/- to the husband for such delay and also for the carelessness with which she was following the matter. Such cost will be paid to the husband within three weeks from date. The proceeding

shall continue in accordance with law, upon the court being satisfied that the aforementioned cost has been paid. Unnecessary adjournments shall not be granted to either of the parties. The order of ex parte hearing of the suit is set aside. It is further directed that the suit along with all pending applications will be disposed of within a year. This Court has noticed that an earlier order had been passed directing disposal of the suit within six months. However, all these orders are subject to payment of maintenance, in the event the same is awarded by the court upon disposal of the application under Section 24 of the Hindu Marriage Act.

8. Accordingly, the revisional application is disposed of.
9. All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)