

08.07.2024
Ct.3.
Sl. 79.
Sg

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction
Appellate Side**

C.O. 103 of 2024

**Ms. Tamanna Subba
Vs.
Sri Binod Chettri**

Mr. Sudipto Kr. Mazumdar,
Mr. Shubhankar Dutta,
....for the petitioner.

This is an application where the petitioner has sought for direction for early disposal of Misc. Case No. 5 of 2020 which is pending for last four years.

It is submitted on behalf of the petitioner that the opposite party herein is the husband of the petitioner and their marriage took place on 20nd September, 2006. Thereafter petitioner filed a suit for dissolution of marriage being Mat Suit No. 14 of 2019 which was decreed ex parte by the Trial Court on 16.3.2020.

The opposite party herein thereafter filed an application under Order IX Rule 13 of the Code of Civil Procedure for setting aside the ex parte decree which was registered as Misc. Case No. 5 of 2020. The petitioner herein filed a written objection against the said application.

However, said Misc, Case No. 5 of 2020 has not yet been disposed of by the court below and as such petitioner has prayed for expeditious disposal of the said Misc. Case filed under Order IX Rule 13.

Since the prayer made on behalf of the petitioner is innocuous and if an order passed in terms of prayer made in the petition, opposite party will have no cause to prejudice, the service of copy of the application upon the opposite party is hereby dispensed with.

Having considered the facts and circumstances of the case and that Misc. Case No. 5 of 2020 under Order IX Rule 13 is pending for last four years, I find that the prayer made in the application by the petitioner is justified and required to be allowed for the ends of justice.

Accordingly, present application being CO. 103 of 2024 is hereby disposed of with a direction upon the Court below to dispose of the Misc. Case No. 5 of 2020 arising out of Mat. Suit No. 14 of 2019, within a period of eight weeks from the date of communication of this order.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all formalities.

(Ajoy Kumar Mukherjee, J.)