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20.12.2024
Ct. No.2
b.das

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

CO 188 of 2024
+
CAN 1 of 2024

In Re: Bibhas Dhar ...petitioner.

Mr. Ajay Singhal
Ms. Heena Yasmin Shaikh ...for the petitioner.

Affidavit of service filed by the petitioner is taken on record.

Heard learned counsel for the petitioner.

The petitioner is the husband of the opposite party and the couple is blessed with a child who is a minor.

By an order passed on 11th November, 2024 in CO 188 of 2024 a co-ordinate Bench of this Court directed the learned Trial Court to dispose of the pending applications expeditiously, preferably within one month after filing of written objection by the opposite party, which was directed to be filed preferably within 15 days from the date of the order.

Learned counsel for the petitioner submits that such written objection was not filed by the opposite party in compliance of the direction of this Court and the learned Trial Court has refused to prepone the date of hearing of the applications.

Since the order dated 11th November, 2024 was passed by this Court in presence of the opposite party/his authorized representative, there was no need for the learned Trial Court to serve further notice upon the opposite party before taking up the applications for consideration.

It is evident that the opposite party failed to file written objection before the learned Trial Court within the stipulated time frame.

The innocuous prayer of the petitioner who is the father of the child is for visitation right in view of the Christmas and New Year.

In view of the above, this Court directs the learned Trial Court to dispose of the pending applications as referred to in the order dated 11th November, 2024 passed by this Court in CO 188 of 2024 within two weeks from date.

Since the opposite party has refrained from filing a written objection before the Court till date, it can safely be held that she does not intend to file such written objection.

With the aforesaid observation and direction, the application being CAN 1 of 2024 is allowed.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)