

M/L- 126
18/03/2025
Ct. No.-6
Aritra

C.O. 1441 of 2024

Suchandra Majumder (Poddar)
Vs.
Arka Poddar

Mr. Vivekananda Bose
Mr. Ratikanta Pal
...for the petitioner

Mr. Avik Ghatak
Mr. Saibal Krishna Dasgupta
....for opposite party

This application under Article 227 of the Constitution of India is at the instance of the wife and is directed against an order being No.12 dated February 8, 2024 passed by the learned Additional District Judge, Fast Track, 3rd Court, Barrackpore in Matrimonial Suit No.606 of 2022.

By the order impugned the application filed by the wife/petitioner herein praying for acceptance of the written statement filed beyond the stipulated period upon condonation of delay stood rejected.

The learned advocate appearing for the petitioner submits that the petitioner has explained the delay in filing the written statement but the learned Trial Judge did not take into consideration the explanation given by the wife for delayed filing of the written statement.

The learned advocate appearing for the husband/opposite party submits that the reasons stated in the application for condonation of delay are not

satisfactory and, therefore the learned Trial Judge was right in not accepting the written statement.

It has been uniformly submitted by the learned advocate for the parties that a date has been fixed before mediator on April 7, 2025.

In the application the petitioner has specifically stated that the petitioner intended to file the written statement but could not file within the stipulated time limit as the husband always asked her not to file her written statement and if she does so, she will not be taken to the matrimonial home by the opposite party. It was further stated in the application that even after the filing the instant suit the parties are in talking terms and there has been an assurance from the opposite party herein to settle the dispute between the parties and even the petitioner was taken to visit at different places of puja mandap as well as different places for outing by the husband.

This Court finds that the reason stated in the application praying for condonation of delay in filing the written statement are acceptable. That apart the suit is a matrimonial suit and a decision on a contested hearing is always desirable. To the mind of this Court, the written statement filed by the petitioner should be accepted upon condonation of delay.

In view thereof, the order impugned calls for interference. Accordingly, the order dated February 8,

2024 stands set aside. The delay in filing the written statement is condoned and the written statement stands accepted.

With the above observations and directions CO 1441 of 2024 stands allowed.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Hiranmay Bhattacharyya, J.)