

D/L- 20
06/08/2025
Ct. No.-6
Aritra

C.O. 2751 of 2025

Sri Arindam Kundu
Vs.
Smt. Adeeti Biswas

Mr. Indrajit Dutta
Ms. Benazir Sk.

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the husband praying for a direction upon the learned Additional District Judge, 5th Court at Barasat to dispose of Miscellaneous Case No.207 of 2021 arising out of the Matrimonial Suit No.110 of 2017 expeditiously.

The learned advocate appearing for the petitioner submits that the matrimonial suit has been decreed *ex parte* and the wife/opposite party herein filed an application under Order 9 Rule 13 of the Code of Civil Procedure praying for setting aside the said *ex parte* decree which is registered as Miscellaneous Case No.207 of 2021. He further submits that the petitioner herein filed an application under Order 6 Rule 17 of the Code of Civil Procedure for amendment of the written objection filed in the miscellaneous case. He submits that the next date for hearing of the amendment application has been fixed on August 25, 2025.

In view of the order sought and proposed to be passed there is no necessity to direct issuance of any

notice upon the opposite party. However, the learned advocate for the petitioner shall be obliged to forward a copy of this application along with this order upon the opposite party or the learned advocates representing the opposite party before the learned trial judge.

In the light of the submission made by the learned advocate for the petitioner, CO 2751 of 2025 stands disposed of by requesting the learned Additional District Judge, 5th Court at Barasat to take up the hearing of the application under Order 6 Rule 17 of the Code of Civil Procedure on the next date fixed i.e. on August 25, 2025, and to make an endeavour to dispose of the same as expeditiously as possible without granting any unnecessary adjournments to either of the parties. After disposal of such application the learned trial judge is requested to dispose of the Miscellaneous Case No.207 of 2021 as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

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.)