

Sl.9
02.09.2025
Court No.6
BP

C.O. 3077 of 2025

Rajesh Kumar Gupta
-versus-
Smt. Nitu Gupta

Mr. Avirup Mondal
Ms. Ahana Ghosh Mondal
... 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, 1st Court at Howrah to dispose of the Miscellaneous Case No. 136 of 2024 expeditiously.

The learned advocate appearing for the petitioner submits that the Matrimonial Suit No. 509 of 2021 was decreed ex parte. The opposite party herein filed a Miscellaneous Case No. 136 of 2024 under order 9 Rule 13 of the Code of Civil Procedure praying for setting aside the ex parte decree. He further submits that the miscellaneous case is pending for a long time.

In view of the order sought and proposed to be passed, there is no necessity to issue notice upon the opposite party. However, the learned advocate appearing for the petitioner shall be obliged to forward a copy of this application along with this order upon the opposite party or upon the learned advocates representing the opposite party before the learned trial judge.

From the ordersheets appended to this application this Court finds that 4th December, 2025 is fixed for hearing of the miscellaneous case.

In the light of the submissions made by the learned advocate for the petitioner, C.O. 3077 of 2025 stands disposed of by requesting the learned Additional District Judge, 1st Court at Howrah to make an endeavour to dispose of the Miscellaneous Case No. 136 of 2024 as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)