

**CO 4042 of 2024
with
CAN 1 of 2024
Jaganath Hazra
VS.
Arpita Hazra**

Mr. Pintu Karan

...for the petitioner

In Re. CAN 1 of 2024

On hearing learned counsel for the petitioner, the grounds for delay being sufficient, the delay stands condoned.

CAN 1 of 2024 stands allowed.

In Re: CO 4042 of 2024

The present revisional application has been preferred against an order dated 15.05.2024 passed by the learned Additional District & Sessions Judge, Amta, Howrah dismissing the Matrimonial Suit being No. 48 of 2024 for non-compliance of Court's order.

It appears from the said order that as Affidavit-of-Service could not be placed before the Court, the Court without considering the reason or granting further opportunity to the petitioner dismissed the suit, which is clearly against the principle of natural justice and thus an abuse of the process of law.

It further appears that from the previous order, that is order No. 1, the Court had noted in its

order that requisites along with process fees have been duly filed.

On the next date itself, the Court without granting a single opportunity to the petitioner dismissed the suit.

The said order being passed against the principle of natural justice is set aside.

On order No. 2 dated 15.05.2024 being quashed, matrimonial Suit No. 48 of 2024 is restored to its own file and number.

The petitioner is directed to file Affidavit-of-Service before the Trial Court **within fifteen days** from the date of this order. The Matrimonial Suit No. 48 of 2024 be fixed for hearing before the Trial Court on 24th February, 2025 in the file of the Additional District Judge, Amta, Howrah. The Court shall then proceed with the case in accordance with law.

CO 4042 of 2024 stands disposed of.

Let a copy of this order be sent to the learned Trial Court for expeditious disposal.

(Shampa Dutt (Paul), J.)