

02.01.2026
Ct. No. 06
Sl. No.319
skg

C.O. No. 527 of 2025

Ratna Roy
Vs.
Som Barman

Mr. Bhagbat Chowdhuri,

...for the opposite party

1. The petitioner is aggrieved by the order dated January 24, 2025 passed by the learned Addl. District Judge, Baruipur, 24 Paraganas South.
2. By the order impugned the learned court ignored the application filed under Order 9 Rule 7 wrongly mentioned as Order 9 Rule 13 of the Code of Civil Procedure, seeking removal of the Matrimonial suit no. 822 of 2022 from the ex parte board.
3. The learned court kept the application on record and fixed a date for passing an ex parte order.
4. This is a matrimonial suit. The petitioner, as the wife, is entitled to contest the suit. The specific contention of the wife was that she came to know that the court Bailiff visited her place when she was not at home. Upon enquiry it was revealed that the summons was not served either on the petitioner or the family members.

5. Under such circumstances, it was prayed that the order by which the Matrimonial suit was proceeding ex parte, should be set aside.
6. The learned Court did not take into consideration such aspect and erred in keeping the application filed by the wife on record, without any direction for service of a copy thereof.
7. Moreover, February 22, 2025 was fixed for ex parte order, although the wife had already appeared before the court with an application for removal of the suit from the ex parte board.
8. Under such circumstances, the order impugned is set aside. The order by which the Matrimonial suit no 822 of 2022 was directed to proceed ex parte is set aside. A matrimonial suit has far reaching consequences. It has a social implication. It has an economic implication.
9. Under such circumstances, such suit should not proceed ex parte against the wife.
10. The revisional application and CAN 1 of 2025 are disposed of.
11. The wife will file her written statement on the next date fixed. The wife will not seek unnecessary adjournments.

(Shampa Sarkar, J.)