

Mat. Suit No.3060 of 2021
(CIS No.3060/21)
CNR No: WBSP010126712021
Present: Subhra Som Ghosal (J.O Code: WB00984)

Order No. 16, dated: 13.09.2023.

The petitioner/husband and the respondent/wife are present by filing hazira.
As stipulated by the previous order today is fixed for ex-parte hearing.

At this stage, a petition supported by affidavit praying for vacating the order fixing the case for ex parte hearing has been filed on behalf of the respondent/wife. Written statement has also been filed by the Ld. Advocate for the respondent.

Copy has been served on the Ld. Advocate for the petitioner/husband.

On call Ld. Advocate for both sides are found to be present. Hence the case record is taken up for hearing.

The Ld. Advocate for the respondent/wife submitted that due to the illness of the Ld. Advocate, the WS could not be filed within the stipulated time and as such, there is no intentional laches on the part of the respondent/wife. So, the respondent/wife may be given an opportunity to contest the suit and the written statement may be accepted. The Ld. Advocate for the plaintiff/husband raised cavil to such prayer.

It is clinched position of law that when it is possible to take a liberal view which promotes the ends of justice, such liberal view needs to be taken in such matters. As a matter of fact, the respondent/wife has come with her written statement at a belated stage, but, such delay should not be taken to be an insurmountable bar in causing proper justice, simply because a technical issue can not be allowed to thwart the avowed object of causing substantial justice. Therefore, without espousing to any hairsplitting technicalities, this court finds it just and proper to respond to the prayer of the respondent in affirmative. The written statement filed by the respondent is accepted after allowing the prayer for vacating the order of ex-parte hearing passed against her. As the WS has been filed by the respondent/wife, I am not inclined to impose any cost upon the respondent/wife.

Hence the prayer of the respondent/wife is allowed. The written statement filed by the respondent is accepted.

To 20.12.2023 for reconciliation.

Typed to the dictation directly;
corrected on the system.

Additional District and Sessions Judge,
01st Court, Alipore,
South 24 parganas.

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