

S/L 10
20.07.2026
Court No.9
Swd

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

CO 758 of 2020
With
CAN 1 of 2026

Tamal Krishna Ghosh
Vs.
Smt. Prama Ghosh

Mr. Satyendra Agarwal.

... for the Petitioner.

Mr. Jayanta Kr. Mandal,
Mr. Sayantan Rakshit.

... for the O.P.

1. The learned Advocates for the parties are present.
2. The Vakalatnama filed be kept with the record.
3. This revisional application was directed against an order dated 05.12.2019 passed by the learned Additional District Judge, Fast Track, 3rd Court, Basirhat, North 24 Paraganas in MAT Suit No.35 of 2018. By virtue of the said order, the petitioner plaintiff was to pay maintenance of Rs.3000/- per month to the respondent opposite party.
4. The petitioner being aggrieved by the said order has come up with the instant revisional application. It is submitted by the learned Advocate for the petitioner that the suit instituted by his client was dismissed for default on 07.02.2025.

5. Learned Advocate further submits that in view of the dismissal of the suit MAT 35 of 2018 there is no scope to pass any order in this revisional application.

6. Learned Advocate relies upon the following judicial decisions:

State of Gujarat & Ors. Vs. Dilipbhai Shaligram Patil reported in ***MANU/SC/8482/2006***

Minarani Majumdar Vs. Dasarath Majumdar reported in ***MANU/WB/0078/1963***

Shantaram Dinkar Karnik Vs. Malti Shantaram Karnik reported in ***MANU/MH/0016/1964***

7. Learned Advocate for the respondent submits that although the MAT suit 35 of 2018 was dismissed by the learned Trial Court but the counter claim filed by the respondent defendant in the said suit still continues and the respondent defendant has a right to continue with the said suit.

8. In the facts and circumstances this revisional application CO758 of 2020 stands dismissed as infructuous. However, the counter claim which is pending before the learned Trial Court may proceed in accordance with law. It is, however, made clear that this Court has not gone into the merits of the case and the parties will be entitled

to take steps in the counter claim without being influenced by this order. The learned Trial Court is requested to make an endeavour if the matter can be settled through mediation and reconciliation before taking final decision in the suit.

9. In view of the above, CAN 1 of 2026 stands disposed of.
10. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(BISWAROOP CHOWDHURY, J.)