

18.12.2020
Court No. 19
Item No.2
CP

C.O. 950 of 2019

Sri Amit Ghosh
vs.
Smt. Deboshree Ghosh

Mr. Indrajit Chatterjee

....for the petitioner.

Mr. Sourav Sen
Sk. Rahim Baskh

....for the opposite party.

This revisional application has been filed by the husband for expeditious hearing of Mat. Suit No. 1619 which has been renumbered as Mat. Suit No. 35 of 2016, pending before the learned Additional District Judge, 6th Court at Barasat. The petitioner prays that the hearing of the Mat. Suit be expedited. It is submitted that the couple has been living separately for the last 12 years and there was no chance of any compromise. As such, the Mat. Suit should be decided expeditiously. It is also submitted that maintenance pendente lite as directed by the learned court below is being paid by the husband regularly.

Mr. Sen, learned advocate appearing for the wife/opposite party, submits that the husband is not paying any maintenance and that the application under Section 24 of the Hindu Marriage Act being Misc. Case No. 7 of 2017 is still pending before the

learned court below. He prays that the application for maintenance pendente lite should be disposed of first.

Having heard the learned advocates for the respective parties and without considering the merits of the case, this revisional application is disposed of with a direction upon the learned court below to expedite hearing of Mat. Suit No. 35 of 2016 and conclude the same within a period of one year from the date of communication of this order. The application under Section 24 of the Hindu Marriage Act should be disposed of within a period of two months from the date of communication of this order upon affording an opportunity of hearing to both the parties and also allowing them to adduce evidence if necessary. If the husband continues to pay the maintenance pendente lite, if any, awarded by the learned court below, the suit shall be expedited as directed hereinabove.

If the husband fails to pay the maintenance as may be directed by the learned court below then the learned court below will proceed in accordance with law.

The revisional application is disposed of. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as

possible subject to compliance of all usual formalities.

(Shampa Sarkar, J.)