

17.12.2020
Court No. 19
Item No.7
CP

C.O. 1415 of 2020

Sri Nilanjan Ghosh
vs.
Smt. Madhumita Ghosh nee Dey

(via video conference)

Mr. Sukanta Chakrabarty
Mr. Iqbal Kabir
Mr. Anindya Halder

....for the petitioner.

Mr. Biswajit Konar

....for the opposite party.

The petitioner/husband prays for expeditious disposal of Mat Suit No. 38 of 2014, pending before the learned Additional District Judge, 6th Court at Alipore, South 24 Parganas. It is the contention of the petitioner that the Mat Suit has been dragging for some time in view of the stay order passed by the learned court below.

The learned advocate for the opposite party/wife enters appearance and submits that more than Rs.9,45,000/- is due on account of maintenance pendente lite and no order can be passed for expeditious disposal of the suit until and unless the entire dues are liquidated by the husband.

The learned advocate for the petitioner hands over a demand draft amounting to Rs.6,80,000/- on account of arrear maintenance to the learned

advocate for the opposite party, Mr. Konar, who has accepted the draft on behalf of the opposite party, Smt. Madhumita Ghosh nee Dey. Mr. Konar will grant a receipt to Mr. Kabir, learned advocate for the husband, within the course of the day.

It is further submitted by the opposite party that a total sum of Rs.9,45,000/- was due and payable by the petitioner on account of maintenance pendente lite as calculated upto November, 2020.

The said amount is refuted by the learned advocate for the petitioner.

However, if the petitioner pays a further sum of Rs.2,65,000/- within December 31, 2020, the learned court below will dispose of the Mat Suit No. 38 of 2014 in accordance with law, preferably within a period of one year from date of communication of this order upon disposing all interlocutory applications.

It is made clear that no unnecessary adjournments should be given to either of the parties. The husband will continue to pay monthly maintenance on and from December, 2020 every month as directed by the learned court below. If any excess amount is paid the same shall be adjusted with the monthly maintenance.

It is clarified that this order shall not operate if the monthly maintenance is not paid as directed and

the opposite party will be at liberty to pray for stay of the suit.

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.)