

SUBRATA ROY VS. SUSHRITA ROY & ANR.

Mr. Apurba Kumar Ghosh
..for the petitioner

This revisional application has been filed by the husband/petitioner in Matrimonial Suit No.496 of 2016, pending before the learned Additional District Judge, Fast Track Court, District Howrah aggrieved by the order dated February 14, 2020.

It appears that there was an amount due and payable by the husband and the wife had filed an application for stay of the suit. By an order dated February 14, 2020, the learned Court fixed March 25, 2020 for payment of balance arrear maintenance along with regular monthly maintenance. Accordingly, the application for stay filed by the wife was disposed of. It is submitted that the arrears have been paid and the monthly maintenance is also being paid regularly.

On such submissions, this revisional application is disposed of, with a direction upon the learned Court below to expedite the hearing of the matrimonial suit and dispose of the same preferably within a period of one year from the next date fixed. It

appears that issues have already been framed in the suit.

This order will be operative only if the husband has paid the entire arrears due on account of maintenance pendente lite and has not defaulted in further payment of monthly maintenance. In case of default of payment of arrears and/or current monthly maintenance, the learned Court below shall be at liberty to act in accordance with law.

It is made clear that if the husband has complied with the order of maintenance, the suit should be expedited on its own merits without granting any unnecessary adjournments to either of the parties.

This Court has not gone into the merits of the claim and counterclaim of the parties and the learned Court below shall deal with the application as also the suit in accordance with law.

The petitioner is directed to serve copies of the revisional application along with a server copy of this order upon the opposite parties within a week from date.

This revisional application is disposed of.

There will be however no order as to costs.

Urgent photostat certified copy of this order be given to the parties on priority basis, if the same is applied for.

(Shampa Sarkar,J.)

