

26.02.2021
Court No. 19
Item No.09
CP

C.O. 749 of 2019

Sri Shibu Chatterjee
vs.
Smt. Soma Chatterjee

Mr. Pronob Moitra
Mr. Aritra Sengupta
Mrs. Koushikee Banerjee

.....for the petitioner.

None appears despite service.

It appears that the learned advocate on record of the petitioner has intimated the learned advocate appearing on behalf of the opposite party that the matter would be taken up either on February 20, 2020 or soon thereafter as the business of the court would permit.

The petitioner's prayer is innocuous. The petitioner prays for expeditious disposal of the Mat. Suit No. 976 of 2015 pending before the learned Additional District Judge, FTC –II, Howrah.

It appears that issues have been framed in the suit and have been kept with the record. It also appears that a Misc. Case is still pending in the learned court below.

Without going into the merits of the Misc. Case and the Mat. Suit, this revisional application is disposed of with a direction upon the learned court

below to expedite the hearing of the Misc. Case and dispose of the same within three months from the next date fixed. After disposal of the Misc. Case, the learned court below shall dispose of the Mat. Suit expeditiously, preferably within a period of eight months thereafter.

This court has not gone into the merits of the claims of the petitioner and the learned court below shall proceed in deciding the issues raised in both the Misc. Case and also in the Mat. Suit independently and in accordance with law.

It is categorically stated that if the husband defaults in payment of the maintenance pendente lite, if directed by the learned court below, the learned court below shall act in accordance with law and this order will not be operative. However, if there are no defaults and the monthly maintenance is paid as per the directions of the learned court below, the learned court below shall act in terms of this order.

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

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.)