

24.08.2021
15
suman
Ct..18

C.O. 1007 of 2021

Sri Krishnendu Dey
Vs.
Smt. Amrita Dey (Basu Roy)

Mr. Kushal Chatterjee
Mr. Debabrata Roy
...for the petitioner

Affidavit of service filed in Court today be kept with the record.

Despite service, the wife/opposite party is unrepresented.

The husband/petitioner has filed the Matrimonial Suit No.1572 of 2017 which is pending before the 10th Court of the learned Additional District Judge at Alipore.

The wife, the respondent of the said suit filed an application under Section 24 of the Hindu Marriage Act, 1955 praying alimony pendente lite. The said application has been registered before the learned trial Judge being Misc. Case No.241 of 2018.

Mr. Kushal Chatterjee, learned counsel appearing on behalf of the petitioner submits that the said Misc. Case was filed in the year 2018 but till date, same has not been disposed of and the pendency of the said Misc. Case is causing delay

in the disposal of the said matrimonial suit. He, therefore, prays that the learned trial Judge may be directed to dispose of the said Misc. Case and the said suit expeditiously.

A proviso has been added to Section 24 of The Hindu Marriage Act, 1955 by The Marriage Laws (Amendment) Act, 2001 Act whereby it has been mandated that the application for payment of expenses of the proceedings and such monthly sum during the proceeding shall as far as possible be disposed of within sixty days from the date of service of notice on the wife or the husband, as the case may be.

Therefore, pendency of an application for maintenance *pendente lite* since 2018 runs counter to the object sought to be achieved by the said amendment of the said provision of The Hindu Marriage Act, 1955.

In view of the above, the learned trial Judge is requested to dispose of the said Misc. Case within a period of four weeks from the date of communication of this order without granting any unnecessary adjournment to either of the parties.

The learned trial Judge, after disposal of the said Misc. Case, shall make all endeavour to dispose of the said matrimonial suit expeditiously in accordance with law.

C.O. 1007 of 2021 is, thus, disposed of with the above terms without any order as to costs.

The petitioner is required to communicate this order to the opposite party and her learned advocate in the Court below.

Urgent photostat certified copy of this order be supplied to the learned advocates for the parties on usual undertakings.

(Biswajit Basu, J.)