

(08)
06.09.2021
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

**(Via Video Conference)
CO No. 1073 of 2021**

**Smt. Madhuparna Nath alias Bose
-versus-
Sri Prasenjit Nath**

Mr. Saptansu Basu,
Mr. Supratim Laha,
Mr. Binay Kumar Jain,
... for the petitioner.

Mr. Mayukh Mitra,
Mr. Rajesh Naskar,
... for the opposite party.

The present application under Article 227 of the Constitution of India is at the instance of the wife, the respondent of the Matrimonial Suit No. 627 of 2017 filed by the opposite party seeking dissolution of his marriage with the petitioner by a decree of divorce.

The said suit is pending disposal before the 6th Court of learned Additional District Judge, Alipore, District- 24 Parganas (South).

The grievance of the petitioner is that the learned Trial Judge is proceeding to dispose of the suit without disposing of the pending applications.

A Co-ordinate Bench by the order dated March 08, 2021 passed in CO 455 of 2021 had directed to dispose of the Misc. Case No. 401 of 2018 filed by the petitioner for alimony pendente lite within six weeks from the date of the said order and to dispose of the matrimonial suit within a year thereafter subject to payment of the maintenance pendente lite.

Proviso appended to Section 36 of the Special Marriage Act, 1954 mandates disposal of the application for alimony pendente lite within sixty days from the date of service of notice upon the husband, therefore, the misc. case filed in the year 2018 must be disposed of expeditiously, preferably on the next date fixed which is on November 24, 2021, in the event for any unavoidable reason, the learned Trial Judge is unable to dispose of the said misc. case on the said date, it must be disposed of within a week thereafter.

It is jointly submitted by the learned counsel for the parties that there are three applications filed by the petitioner yet to be disposed of.

The suit cannot be disposed of without disposing of the interlocutory applications.

The learned Trial Judge is requested to dispose of the said pending applications before proceeding to dispose of the suit but endeavour should be made to dispose of those applications within four weeks after disposal of the misc. case.

The learned Trial Judge to adhere to the time limit fixed by this Court for disposal of the said misc. case and the said pending applications shall not grant any unnecessary adjournment to either of the parties.

CO 1073 of 2021 is disposed of with the above terms without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)