

08.11.2021

CO. 1369 of 2021

(Through Video Conference)

(15)
(BD/RUP)

Subhankar Ghosh
-vs-
Mousumi Fulmali

Mr. Subhankar Ghosh,
... petitioner (appearing in person).

The Court is approached under Article 227 of the Constitution of India soliciting a direction to ensure expeditiously disposal of a MAT Suit No. 38 of 2017 now pending before the learned Additional District Judge, Jangipur, Murshidabad, for the delay being caused in the disposal of the suit.

The petitioner appearing in person submits that a suit for nullity was filed under Section 25 of the Special Marriage Act, against opposite party in the year 2017. It is further submitted by the petitioner that no interlocutory application is pending, and the prayer for alimony pendente lite has already been dismissed by the learned court below, and there is no revisional application preferred before any superior forum, challenging the said dismissal upon referring such facts. The petitioner appearing in person further submits that the case pending in the court below is at the evidence stage, but because of the intervention of the pandemic, the movement of the suit has not been proceeded to a desirable extent, resulting in serious prejudice to the petitioner.

In view of the nature of the order proposed to be made and the point sought to be addressed by the court, the court is of the view that presence of the opposite party/wife is not necessary. Accordingly,

service of the notice upon the opposite party/wife is dispensed with.

Having regard to the submission of the petitioner appearing in person and bearing in mind the year of institution of the suit for nullity, a direction is thus felt necessary.

The revisional application is thus disposed of with a direction upon the learned court below to dispose of the pending MAT suit as expeditiously as possible, providing sufficient opportunity of hearing to either of the party to this case, but without granting unnecessary adjournment, unless it is extremely unavoidable, so that logical conclusion of the case may be reached at an early date.

The petitioner appearing in person is directed to make communication of this order to the opposite party, and her learned advocate appearing in the court below, and also to the learned court below.

With this direction and observation the revisional application stands disposed of.

(Subhasis Dasgupta, J.)