

31,DL,Ct.18
10.08.2021
AJ.

C.O. 1375 of 2021
(Through Video Conference)

Moumita Pal (Halder)
-Vs-
Sri Suman Pal

Mr. Sarajit Sen,
Mr. Tapas Singha Roy.
... for the petitioner.

The order proposed to be passed in the present application under Article 227 of the Constitution of India would not cause any prejudice to the opposite party, as such, service of notice of the present application upon the said opposite party is dispensed with.

The petitioner has filed a matrimonial suit being Matrimonial Suit No. 238 of 2018 pending before the 1st Court of the learned Additional District Judge at Srerampure, District Hooghly for dissolution of her marriage with the opposite party by a decree of divorce.

The grievance of the petitioner is that the disposal of the said suit is being deferred due to non-co-operation of the respondent of the said suit, the opposite party herein.

Mr. Sarajit Sen, learned advocate appearing on behalf of the petitioner submits that the petitioner, for the expeditious disposal of the said suit did not even press her application for maintenance in the suit but the suit could not reach its logical conclusion due to the repeated prayer for adjournment by the opposite party.

It appears from the record that the evidence from the side of the petitioner is over. The learned Trial Judge is fixing dates for the cross-examination of the opposite party but could not conclude the said cross-examination due to the non-co-operation of the opposite party.

The suit, since has reached at a very matured stage, should be disposed of without any further delay.

The 1st Court of the learned Additional District Judge at Srerampure, District Hooghly is, therefore, requested to dispose of the said suit expeditiously, preferably within a period of six months from the date of communication of this order and in doing so shall not grant any unnecessary adjournment to either of the parties.

If the opposite party does not make himself available on the date fixed for his cross-examination, the learned Trial Judge is free to close the evidence of the said witness.

C.O. 1375 of 2021 is disposed of with the above observations without any order as to costs.

The petitioner shall communicate this order to the opposite party and his learned advocate representing him in the Court below within a week from date.

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

(Biswajit Basu, J.)