

08.09.2021
Item No.5
Ct. No.7
CHC

**C.O.1490 of 2021
(Via Video Conference)**

**Smt. Tanim Ray (nee Karmakar)
Vs.
Sri Deborshi Ray & anr.**

Mr. Ashim Kumar Routh
...for the petitioner

The Court is approached under Article 227 of the Constitution of India, soliciting a direction to ensure expeditious disposal of a Matrimonial Suit for divorce being No.3039 of 2017, now pending before the learned Additional District Judge, 1st Court, Alipore.

Admittedly, the husband/opposite party filed a suit for divorce against the petitioner/wife.

Mr. Ashim Kumar Routh, learned advocate representing the petitioner/wife submits that issues in this case have already been framed and the suit was posted for hearing on 18th February, 2021, and thereafter, no date has been given for the purpose of disposal of this case resulting in serious prejudice being caused thereby adversely affecting the valuable rights of the petitioner/wife.

Learned advocate for the petitioner further submits that the petitioner/wife has not filed any separate application praying for *alimony pendente lite* in connection with the pending matrimonial suit. The suit, according to the petitioner, is otherwise ready for disposal, as the reconciliation proceeding is also over.

The point requires to be addressed is very short and simple, requiring no extensive hearing and same may even be disposed of without inviting any presence of the opposite parties. In view of the nature of the order proposed to be made in this case, the service upon the opposite parties accordingly, stands dispensed with.

The Court is quite alive of the fact that due to the impact of COVID-19 and its proliferation the ordinary function of the court has been largely disturbed.

Having considered the submission of learned advocate for the petitioner, the learned Additional District Judge, 1st Court, Alipore in Mat Suit No.3039 of 2017 is directed to dispose of the suit expeditiously as possible, after disposing of interlocutory application, if any pending, providing sufficient opportunity of hearing to either of the parties to this case, and

without granting unnecessary adjournment, unless it is extremely unavoidable.

In doing so such exercise, the learned court below has to first regularise the case record giving a suitable date for the purpose so that both the parties may come prepared ready in the interest of ensuring expeditious disposal of the pending matrimonial suit.

This Court reposes confidence upon the trial court that the suit may be disposed of preferably within a year from hence.

Petitioner is directed to make communication of this order to learned court below and also upon opposite parties and their learned advocates appearing in the learned court below for the purpose.

With this observation/direction, the instant revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)