

15.02.2021
Sl. No. 2
srm

C.O. No. 2874 of 2018

Abhishek Paria
Vs.
Smt. Nupur Paria & Anr.

Mr. Gopal Chandra Ghosh,
Ms. Swarupa Ghosh

...for the Petitioner.

Mr. Saunak Bhattacharya

...for the Opposite Parties.

This revisional application is filed by the husband/petitioner in Matrimonial Suit No.219 of 2016 pending before the learned Additional District Judge, 3rd Court, Barasat, District: North 24-Parganas. The petitioner is aggrieved by the order dated July 30, 2018. By the order impugned, the learned Court below allowed an application for stay filed by the wife in view of the fact that the husband had not paid maintenance *pendente lite*.

Today, the learned Advocates for the respective parties are appearing before this Court. It is informed that the arrears due on account of maintenance *pendente lite* up to December, 2020 is Rs.2,27,000/-.

Mr. Ghosh, learned Advocate appearing on behalf of the petitioner, submits that the said amount shall be paid by his client at a time.

Mr. Bhattacharya, learned Advocate appearing on behalf of the opposite parties, submits that if the said arrears are paid then the suit may proceed in accordance with law. He further submits that the maintenance *pendente lite* on and from January, 2021, as directed by the learned Court below, should also be paid.

Having heard the submissions made by the learned Advocates for the respective parties, this revisional application is disposed of with a direction upon the petitioner to pay Rs.2,27,000/-, as calculated by the wife. The payment shall be made within a period of two weeks from date. It is also made clear that if there is a miscalculation, the parties shall resolve the same and the amount so agreed upon, as arrears, will be paid by the husband within the aforementioned period. The maintenance *pendente lite* on and from January, 2021 should also be paid, as directed by the learned Court below. Once the arrears are paid and the wife admits receipt of the same along with the current maintenance for the month of January, 2021, the learned Court below shall proceed with the matrimonial suit in accordance with law. The learned Court is at liberty to satisfy itself about such payment, as directed by this Court. In case of default the suit shall not proceed.

This Court has not gone into the merits of the suit and the learned Court below shall proceed independently and in accordance with law.

The learned Court below is also directed to make serious endeavour to dispose of the suit expeditiously preferably within a period of six months from the date of communication of this order.

The order impugned is thus set aside.

This revisional application is, thus, disposed of.

There will be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)