

19.03.2021
Sl. No. 4
srm

C.O. No. 3028 of 2019

Raj Kishore Shaw
Vs.
Smt. Priti Shaw

Dr. Jyotirmoy Adhikary

...for the Petitioner.

The prayer made in this revisional application is an innocuous one. The petitioner/husband in Matrimonial Suit No.22 of 2018, pending before the learned Family Court No.2, Calcutta prays for expeditious disposal of the matrimonial suit along with all the pending applications. There was an earlier direction by an another co-ordinate Bench of this Court for service upon the opposite party. On the last occasion, this Court also directed the petitioner to effect service once again.

Today, affidavit of service is filed. The postal article has come back with the endorsement "left". The address was corrected by the leave of the Court and the service was sought to be effected on the corrected address. The address as given by the wife in a proceeding under Section 125, Cr.P.C., is the last known address and service was sought to be effected in the said address on two occasions.

Thus, this matter is taken up, upon taking into consideration the nature of the prayer made by the husband/petitioner.

It appears that the matrimonial suit has been pending since 2018. An application under Section 24 of the Hindu Marriage Act is pending disposal before the learned Family Court. The said application has been filed by the wife.

This Court is of the opinion that justice would be subserved to both the parties if the learned Family Court is directed to dispose of the application for maintenance *pendente lite* expeditiously upon affording one last chance to both the parties to contest the proceeding in accordance with law.

The husband is directed to file the written objection within two weeks from date.

The learned Court below is directed to dispose of the said application within a period of two months from the next date fixed upon allowing the parties to adduce evidence. Upon disposal of the application for maintenance *pendente lite*, the learned Court below shall dispose of the matrimonial suit expeditiously, preferably within a year thereafter.

This Court has not gone into either the merits of the suit or the application for maintenance *pendente lite* and the learned

Court below is directed to decide the issues independently and in accordance with law.

The learned Advocate-on-record for the petitioner is directed to serve a copy of this revisional application upon the opposite party/wife as also upon the learned Advocate appearing in the Court below along with a server copy of this order immediately.

The revisional application is 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.)