

161
AKG 11-03-2022
Ct.21

C.O. 514 of 2022
Smt. Swagata Sahoo
Versus
Sri Ajoy Kumar Sahoo

Mr. Madan Mohan Roy,
Mr. Amitabha Ghosh
...for the Petitioner

Petitioner is represented by her lawyer. Record shows that no notice has been served on the opposite party.

However, the petitioner has filed the present revisional application challenging the order dated 15.02.2022, whereby the learned 13th Additional District Judge, Alipore, South 24 Parganas has decided to take up peremptory hearing of the matrimonial suit no. 746 of 2020 after framing the issues by keeping an application under Section 24 of Hindu Marriage Act pending for disposal in future.

It has been contended by the learned advocate appearing for the petitioner that without disposal of the application under Section 24 of the Hindu Marriage Act, the main matrimonial suit cannot be proceeded.

Therefore, he prays that necessary direction may be given to the learned Court below to dispose of the application under Section 24 of the Hindu Marriage Act first and thereafter to proceed with the hearing of the main suit.

Perused the impugned order, I find the learned Court below by keeping application under Section 24 of

the Hindu Marriage Act in abeyance has decided to hear the main suit by fixing a date for peremptory hearing.

Apparently, the order appears to be improper and irregular, as normally all pending interlocutory applications have to be disposed of before embarking on the final hearing of the main suit. Therefore, the impugned order is set aside.

Learned Court below is directed to take up the hearing of the application under Section 24 of the Hindu Marriage Act, filed by the wife and dispose of the same within three months from this day and thereafter to proceed with the hearing of the main suit.

Accordingly, the revisional application being **C.O. 514 of 2022** is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities.

(Kesang Doma Bhutia, J.)