

8th July,
2022
(AK)
25

C.O. 3502 of 2018

Smt. Ruma Bhattacharya (nee Roy)
Vs.
Sri Somnath Bhattacharya

Mr. Asis Chandra Bagchi
Mr. Amitabha Roy
...for the petitioner.

Mr. Dipankar Dhar
Mr. Rudra Dhar
...for the opposite party.

Upon hearing learned counsel for the parties, it appears that the dispute involved herein is innocuous.

This court, vide an order dated June 04, 2018 passed in CO No.181 of 2018, had disposed of the said revisional application by setting aside the order impugned therein and directing the opposite party therein, that is, the present petitioner-wife, to hand over a copy of the plaint of Matrimonial Suit No.543 of 2013 pending before the Additional District Judge, Fifth Court at Howrah, along with the relevant documents referred to in the plaint, to the petitioner therein, that is, the present opposite party within a week from that date.

However, it is submitted by learned Senior Counsel appearing for the petitioner that the said time frame for handing over copies of the plaint and documents could

not be adhered to for reasons beyond the control of the petitioner-wife.

Learned counsel appearing for the present opposite party-husband contends that there was no conceivable reason for the wife not being able to hand over the plaint along with copies of documents as directed previously by this court.

Learned counsel files a list of documents (firisti) in court today, which be retained on the records, which indicates that two documents were filed along with the plaint.

The said documents are respectively dated June 6, 2018, being the photostat copy of a purported letter accompanying payment of Rs. 1,000/- and another document dated July 25, 2018 being a Photostat copy of the husband's advocate's letter to the petitioner's-wife's advocate intimating the wife's alleged non-compliance of the High Court's direction date June 4, 2018.

Learned counsel submits that the order of this court was very clear as regards the time frame stipulated for handing over such copies.

It appears from the submission of the parties and the materials on record that by the present impugned order, the court below has referred the matter back to this court for "soliciting instruction" with regard to the fact that the time frame for handing over copies of the plaint and the documents was jumped by the wife.

For the ends of justice, since the court ought to avoid unnecessary technicalities to do substantial justice, CO No.3502 of 2018 is disposed of by directing the petitioner herein, that is, the wife to hand over copies of the plaint and the relevant documents as directed in the order dated June 4, 2018 passed in CO No.181 of 2018 within July 15, 2022 or earlier, either directly or through the learned Advocates appearing for the parties either in this court or in the court below.

The impugned order stands thus modified.

It is made clear that any observation made in the said impugned order shall not adversely affect the rights and contentions of the parties in the court below.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)