

05.07.2022
Item No.07
Court No.18
AJ.

C.O. 3553 of 2018

IA No: CAN 1 of 2019 (Old CAN 4074 of 2019)

(application not here)

Samiran Ghosh

-Vs-

Smt. Sipra Ghosh

Mr. Nilendra Narayan Ray,
Mr. Rameshwar Sinha.
.....for the petitioner.

Mr. Udayan Datta.
.....for the opposite party.

In re: C.O. 3553 of 2018

The instant revisional application under Article 227 of the Constitution of India is directed against Order No. 6 dated August 23, 2018 passed by the 2nd Court of the learned Additional District Judge, Hooghly in Misc. Case No. 69 of 2018 arising out Matrimonial Suit No. 127 of 2007.

The petitioner has filed the connected matrimonial suit seeking dissolution of his marriage with the opposite party by a decree of divorce.

The opposite party in the said suit filed an application praying alimony pendente lite, registered as the connected Misc. Case No. 69 of 2018.

The learned Trial Judge by the order impugned has disposed of the said misc. case directing the husband to pay alimony pendente lite @ Rs. 12,000/- per month and to pay a further sum of Rs.20,000/- on account of litigation expenses with the effect from the date of the said order.

The wife/opposite party is staying in the flat of the husband at Salt Lake, Kolkata, as such she is not required to spend any amount for her residence. Considering this aspect, the amount of alimony pendente lite is fixed at Rs.10,000/- per month instead of Rs.12,000/- per month. The amount of litigation expenses of Rs.20,000/- need not be altered.

Mr. Ray, learned Advocate appearing on behalf of the husband/petitioner hands over a bank draft bearing no.023569 dated 29.06.2009 of Bandhan Bank, Dobson Road in favour of the wife/opposite party towards the full and final settlement of arrear maintenance till June, 2022 @ Rs.10,000/- per month. The photocopy of the said bank draft is taken on record.

Henceforth the petitioner is required to pay the said amount of Rs.10,000/- per month directly to the bank account of the opposite party within 7th of each succeeding month for which it falls due. The details of such bank account have already been supplied to Mr. Ray.

The suit is pending since 2007, since there is no amount due and payable on account of alimony now, there is no impediment in proceeding with the hearing of the said matrimonial suit expeditiously and disposal of it.

This Court is informed that the evidence of the husband is over. The recording of the evidence of the wife has been scheduled on July 15, 2022. The wife must conclude her evidence-in-chief on the said date. If she avoids to do so on some flimsy ground, the learned Trial Judge shall close her evidence. It is expected that the

husband shall also conclude the cross-examination of the wife on the said date.

Mr. Datta since has submitted that the wife shall not cite any other witness, the learned Trial Judge immediately after the conclusion of the evidence of the wife shall proceed to dispose of the said suit and shall make all endeavour to bring the suit to a logical conclusion within a period of two available effective working months of his Court.

C.O. 3553 of 2018 is disposed of with the above terms without any order as to costs.

In Re: CAN 1 of 2019 (Old CAN 4074 of 2019)

In view of the disposal of the revisional application, no further order need be passed on the instant connected application and is accordingly dismissed as such without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)