

28
sandip
Ct. 18
16.03.2022

C.O. No. 3875 of 2019

**Smt. Puja Saraf
Vs.
Sri Tara Chand Saraf @ Sanjay**

Mr. Satyendra Agarwal ... For the petitioner.

The wife/respondent of the Matrimonial Suit No. 4037 of 2014 is the petitioner of the present revisional application under Article 227 of the Constitution of India. The petitioner in the said suit filed an application for alimony pendente lite for herself and for the minor son.

The 2nd Court of learned Additional District Judge, Howrah by the Order No. 46 dated February 26, 2019 disposed of the said application by directing the husband/opposite party to pay alimony pendente lite to the petitioner @ Rs. 10,000/- per month and @ Rs. 7,000/- per month to the minor son along with a sum of Rs. 10,000/- on account of litigation expenses. Immediately thereafter on February 28, 2019 the suit was dismissed for default.

The suit should not have been dismissed till the realization of the arrear amount of alimony pendente lite in terms of the order dated February 26, 2019.

Be that as it may, in view of the dismissal of the matrimonial suit the revisional application has become infructuous. It is however made clear that the petitioner is entitled to recover the arrear amount of alimony pendente lite accrued in her favour in terms of the Order No. 46 dated February 26, 2019 till the dismissal of the suit as a money decree from the husband/opposite party.

C.O. 3875 of 2019 is disposed of with the above observations 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.)