

31.03.2023
Ct. No.237
SL No. 10
Rup

C.O. 193 of 2023

Shubra Paul
Vs
Sumi Priyadarshi

Mr. Sanat Kumar Das,
Mr. Sujan Chatterjee,
Mr. Souparna Sinha,
Ms. Atreyee Halder.

... For the petitioner.

The Order No. 43 dated 9th December, 2022 passed by the learned Additional District Judge, In Charge, First Court, Alipore, South 24 Parganas in connection with Misc. Case No. 193 of 2019 is under challenged.

Learned advocate appearing on behalf of the petitioner/wife has submitted that without considering the affidavit of asset of the husband, learned Judge passed the order impugned directing the petitioner/husband therein to pay Rs.20,000/- per month as interim maintenance.

On a careful perusal of the order impugned, I find that on the date when the order was passed by the learned Judge affidavit of asset was not filed by the husband in spite of having sufficient opportunity.

Learned Judge, presumably, considering the several opportunities given to the husband, passed an order

allowing the husband to file affidavit of asset subject to the pay of interim maintenance of Rs.20,000/-.

I do not find either any illegality or infirmity in the order itself to invoke the provision under Article 227 of the Constitution of India.

In the aforesaid view of the matter, learned Additional District Judge, In Charge, First Court, Alipore, South 24 Parganas is requested to dispose of the application under Section 36 of the Special Marriage Act as expeditiously as possible considering the affidavit of asset filed by the husband and also by giving opportunity of being heard, to the parties.

With this observation and direction, the revisional application stands disposed of.

Petitioner is directed to make communication of this order to learned Additional District Judge, In Charge, First Court, Alipore, South 24 Parganas.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Bibhas Ranjan De, J.)