

July 17, 2023
Sl. No.63
Court No.19
s.biswas

CO 526 of 2023

Barun Kumar Sahoo
vs.
Smt. Sujata Sahoo (Mondal)

Mr. Aninda Bhattacharya

... for the petitioner

The petitioner is the husband in Matrimonial Suit No.460 of 2018, which is pending before the learned Additional District Judge, 4th Court at Paschim Medinipore. The petitioner prays for expeditious disposal of the application for maintenance pendente lite as also the suit.

It appears that Judicial Misc. Case No.04 of 2022, was registered when the wife filed an application under Section 24 of the Hindu Marriage Act in the said suit after a date had been fixed for framing of issues. Issues were framed on August 25, 2022. The application for maintenance pendente lite is still pending disposal. The petitioner has filed the evidence in chief in the suit.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the pending application as also the suit, expeditiously.

This court has neither gone into the merits of the application nor into the merits the suit. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. Hence, prior service of

this revisional application upon the opposite party, would not be necessary. The prayer is innocuous.

The revisional application is disposed of, with a direction upon the learned court below to dispose of the pending application within a period of three months from the next date fixed and thereafter the learned court below will make an endeavour to dispose of the suit within six months after disposal of the application, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite party to contest the proceedings, provided the husband continues to pay the maintenance pendente lite, that may be awarded by the learned trial court, upon disposal of the application under Section 24 of the Hindu Marriage Act.

The learned court below shall proceed strictly in accordance with law and independently.

Petitioner is directed to serve a copy of this revisional application along with the server copy of this order upon the opposite party.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

