

01.08.2023
Court No. 19
Item No.57
CP

C.O. 760 of 2023

Sri Dipak Mondal

Vs.

Smt. Pritikana Maity (Mondal)

Mr. Mrinal Das
Mr. Raja Adhikary

...for the petitioner.

The petitioner is the husband who has filed Matrimonial Suit No. 250 of 2021, which is pending before the learned District Judge at Purba Medinipur.

It is submitted that the learned court has been adjourning the matter awaiting reconciliation, but has not proceeded at all. It is further submitted that the wife has not filed any application for maintenance pendente lite.

The prayer of the petitioner is innocuous. Neither party stands to lose if a proceeding is disposed of expeditiously. In fact, such expeditious disposal shall enure to the benefit of the parties and hence, there is no requirement for service of prior notice upon the opposite party.

The revisional application is disposed of with a direction upon the learned court below to dispose of the said suit within a period of six months from the

next date fixed, upon giving adequate opportunity to the opposite party to contest the same.

If the reconciliation does not work out the court should proceed independently and in accordance with law. The suit shall be disposed of upon recording such failure. It is absolutely within the discretion of the learned court below to come to a finding with regard to the scope of reconciliation but the suit cannot be adjourned indefinitely.

This court has not expressed any opinion on the merits of the suit.

A copy of the revisional application along with a server copy of this order be served upon the opposite party and/or the learned advocate contesting the matter on behalf of the opposite party in the learned court below, within a week.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)