

July 31, 2023
Sl. No.15
Court No.19
s.biswas

CO 1189 of 2023

Sukanta Roy
vs.
Kabita Roy (Konar)

Mr. Rahul Chakraborty
Mr. Avishek Das
Mr. Shaunak Mukhopadhyay

... for the petitioner

The petitioner is the husband in Matrimonial Suit No.47 of 2020, which is pending before the learned Additional District & Sessions Judge, 1st Court, Durgapur, Paschim Burdwan. The petitioner prays for expeditious disposal of the application for maintenance pendente lite as also 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.

Considering the fact that the application for maintenance pendente lite should be decided prior to the matrimonial suit, the revisional application is disposed of, with a direction upon the learned court below to dispose of the application for maintenance

pendente lite within a period of six months from the next date fixed. Learned court below will thereafter make an endeavour to dispose of the matrimonial suit within a year from disposal of the application, without granting unnecessary adjournments to either of the parties.

However, it is made clear that in default of payment of any of the instalments/monthly maintenance, the suit shall automatically remain stayed.

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.)