

75-76 25.04.2023
D.Hira Ct. 237

CO 504 of 2023

**Mrs. Sayantani Ghosh
Vs.
Sukesh Ranjan Koley**

**With
CO 1213 of 2023**

**Sukash Ranjan Koley
Vs.
Sayantani Ghosh**

Mr. Raghunath Chakraborty,
Mr. Rajdeep Bhattacharya.
.....for the petitioner

Ms. Kabita Mukherjee,
Mr. Manas Dasgupta.
... for the opposite party

Both the learned Advocates appear on behalf of the parties in both the revisional applications are present.

Learned Advocate appearing on behalf of the petitioner in connection with CO 504 of 2023 assailed the order dated 04.01.2023 and submitted that the learned Judge proceeded with the suit by taking evidence without disposing the application filed on behalf of the petitioner for enhancement of alimony.

Learned Advocate appearing on behalf of the opposite party has referred to the order dated November 3, 2022 and submitted that in presence of both sides, learned Judge passed an order for proceeding with the suit on condition that final judgment shall not be passed pending any petitions.

Learned Judge, presumably, passed this order in view of the direction of this Hon'ble Court earlier for expeditious disposal of the suit.

Learned Advocate appearing on behalf of the petitioner in connection with CO 1213 of 2023 has submitted that necessary direction may be given to the learned Judge for expeditious disposal of the suit.

From the record, it appears that both the aforesaid revisional applications have been filed by the rival parties to the Matrimonial Suit no. 56 pending since 2017.

Considering all facts and circumstances, I do not find any reason to interfere with the order passed on 04.01.2023 with a view to stand in the way of proceeding of the suit.

But considering the pendency of this application for enhancement of alimony *pendente lite*, learned Judge is requested to dispose of the application provided the writ petitioner (Smt. Sayantani Ghosh) files affidavit of assets within three days from the date of receipt of this order before the learned Trial Court.

Learned Judge is also requested to dispose of the application for enhancement of alimony *pendente lite* within a week from the date of filing of the affidavit of assets by the petitioner/wife.

Learned Judge is requested to dispose of the suit as expeditiously as possible preferably within three

months from the date of disposal of the application for enhancement of alimony *pendente lite*.

In case of non-filing of affidavit of assets by the petitioner (Smt. Sayantani Ghosh), learned Judge is at liberty to pass necessary order and to proceed with the suit immediately.

With the aforesaid observation, both the revisional applications being CO 504 of 2023 and CO 1213 of 2023, stand disposed of.

Learned Advocate appearing on behalf of the parties are at liberty to bring this order to the notice of the learned Additional District Judge, 6th Court at Alipore, forthwith.

All parties are directed to act on a server copy of this order, duly downloaded from the official website of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Bibhas Ranjan De, J.)