

June 6, 2023
Sl. No.A 23
Court No.19
s.biswas

CO 1232 of 2023

Rudrarup Mukherjee
vs.
Amrita Mukherjee (Mitra)

Mr. Sanjay Saha
Mr. Subhasish Bhattacharya
... for the petitioner

The petitioner is the husband in the Matrimonial Suit No.427 of 2019 pending before the learned Additional District Judge, Fast Track, 1st Court, Howrah. The suit was filed by the petitioner in the year 2017. Thereafter, the suit was renumbered as Mat. Suit No.427 of 2019.

According to the petitioner, the opposite party is not contesting the suit diligently and there has been unnecessary delay in disposal of the suit.

It is further submitted that the application for maintenance *pendente lite* is pending since 2019 being Misc. Case No.116 of 2019. The order-sheet has been placed, which indicates that the suit had been fixed for *ex parte* hearing.

Thereafter, at the instance of the wife the said order was vacated and the issues were framed.

The maintenance application was dismissed for default and thereafter restored. The said maintenance application and the suit have been placed for hearing on July 4, 2023.

As an innocuous prayer has been made for disposal of the application for maintenance *pendente lite* and the suit itself, the wife need not be served with the copy of the revisional application. Direction for expeditious disposal of the application for maintenance *pendent lite* would also enure to the benefit of the wife.

Hence, the Court dispenses with service of notice, with a direction upon the learned Additional District Judge, Fast Track, 1st Court, Howrah to dispose of the application for maintenance *pendente lite* within a period of four months from the next date fixed and thereafter proceed with the disposal of the suit. It is the direction of this Court that the Matrimonial Suit must be disposed of within a period of one year from the date of disposal of the application for maintenance *pendent lite*. In case payment is not made, this order for early disposal of the suit shall not be implemented.

As the petitioner resides in Bhutan, learned court below will try to complete evidence of the petitioner within two or three consecutive days, to be fixed by the learned court below and without granting adjournments.

This Court has not gone into the merits of the claim of the petitioner. This Court has also not entered into the contention of the petitioner in the

matrimonial suit. The learned court below shall proceed in accordance with law.

A copy of this revisional application along with sever copy of this order be served upon the opposite party within a period of a week from date.

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

(Shampa Sarkar, J.)