

Item No. 306
28.06.2023
Court. No. 19
GB

C.O. 1598 of 2023

Dr. Ranjan Sengupta
Vs.
Dr. Debaleena Sengupta

*Mr. Puspall Chakraborty,
Mr. Sagnik Chatterjee,
Ms. Prasanka Ganguly*

...for the Petitioner.

The petitioner is the husband in Matrimonial Suit No.787 of 2020, which is pending before the learned Additional District Judge, 1st Court at Barasat.

The petitioner submits that an application for maintenance pendente lite and an application for removal of the suit from the ex parte board are pending disposal. It is submitted that although the application for maintenance pendente lite was filed by the wife, the wife has not diligently proceed before the learned court below, diligently.

The husband prays for expeditious disposal of the proceedings.

Thus, this Court is of the view that the husband cannot be allowed to suffer inordinately.

This Court has neither gone into the merits of the suit nor into the merits of the pending applications. An order of expeditious disposal of any litigation enures to the benefit of all the parties and hence prior service of this revisional application upon the opposite party is not required. The prayer is innocuous.

Under such circumstances, this Court directs the learned Additional District Judge, 1st Court at Barasat to dispose of the application for maintenance pendente lite and the application for removal of the suit from the ex parte board, within a period of three months from the next date fixed, without granting unnecessary adjournments to either of the parties. Thereafter, the suit shall proceed urgently and be disposed of within a period of six months from the disposal of the applications. The learned court below shall proceed in accordance with law and independently.

It is made clear that in case any maintenance is awarded by the learned court below and there is a default on the part of the husband to pay such maintenance, the suit shall automatically remain stayed.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)