

19.06.2023
Sl. No.18(DL)
srm

C.O. No. 1597 of 2023

Sri Shirsendu Dutta

Versus

Smt. Srabanti Dutta

Mr. Suchayan Banerjee,
Mr. S.K. Banerjee,
Mr. Souradeep Banerjee

...for the Petitioner.

Despite service, none appears on behalf of the opposite party. Affidavit-of-service is taken on record.

As prayer for early disposal of the application is innocuous, the appearance of the opposite party is not required.

The petitioner is aggrieved by the order dated April 12, 2023 passed by the learned Additional District Judge, Fast Track, 1st Court at Sealdah in Miscellaneous Case No.10 of 2021, which was filed in connection with MAT Suit No.113 of 2017.

The petitioner is aggrieved because the application for interim visitation rights of the father has been kept pending since long and the Court passed directions for hearing the maintainability application filed by the mother, first.

The learned Advocate for the petitioner submits that the right of the father to visit the child could not be postponed inordinately, only because another application had been filed questioning the maintainability of the Misc. Case No.10 of 2021.

The learned Advocate fairly submits that the maintainability point had been rejected subsequently and the next date has been fixed on August 25, 2023.

The challenge to the order impugned in the revisional application, namely the order dated April 12, 2023, has now become infructuous as the maintainability of the application has already been disposed of by the learned court below. Thus, no interference with the order impugned is called for.

Having heard the learned Advocate for the petitioner, this Court is of the view that justice would be sub-served if the learned court below is directed to dispose of the pending application, filed by the petitioner, within a month from the next date fixed, without granting unnecessary adjournments to any of the parties.

This Court has neither gone into the merits of the application nor into the merits of the misc. case.

A copy of the revisional application along with a server copy of this order be served upon the opposite party within a week.

The revisional application is, thus, disposed of.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)