

June 22, 2023
Sl. No.212
Court No.19
s.biswas

CO 1602 of 2023

Sudip Datta @ Sudip Kumar Datta
vs.
Mitali Datta

Mr. Subhabrata Datta
Mr. Manoj Kumar Ghosh
Mr. Aranya Saha

... for the petitioner

The petitioner is the plaintiff in Matrimonial Suit No.19 of 2014, which has been pending before the learned Additional District Judge, 10th Court, Alipore, South 24 Pargans. The petitioner prays for expeditious disposal of the application for modification of an order by which the maintenance pendente lite was enhanced and thereafter for expeditious disposal of the matrimonial suit which has been pending since 2014.

It is submitted that parties have adduced evidence.

Under such circumstances, this court is of the view that that justice would be subserved if the learned court below is directed to dispose of the application for modification of the order of enhancement of maintenance pendente lite and thereafter the Matrimonial Suit No.19 of 2014, on an urgent basis.

This court has neither gone into the merits of the application nor into the merits of the matrimonial 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.

The revisional application is disposed of with direction upon the learned court below to dispose of the application for modification which has been filed in connection with enhancement of maintenance pendente lite within a month from the next date fixed and thereafter the learned court below shall proceed with the hearing of the suit and dispose of the same within six months from the disposal of the application for modification, without granting any unnecessary adjournments to either of the parties. Such direction is passed provided the petitioner/husband pays the maintenance pendente lite as will be directed by the learned court below, after disposal of the modification application. In case of failure to pay maintenance pendente lite, the suit shall remain stayed.

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.)