

Item No. 37
12.06.2023
Court. No. 19
GB

C.O. 1638 of 2023

Dr. Kumardip Banerjee
Vs.
Mrs. Saswati Banerjee (Nee Mukherjee)

Mr. Sakya Sen,
Mr. Debanjan Mukherjee,
Mr. Aneek Pandit,
Ms. Somali Bhattacharya

...for the Petitioner.

The petitioner is the husband in Matrimonial Suit No.123 of 2013 pending before the learned Additional District Judge, 13th Court at Alipore, District – 24 Parganas (South).

The petitioner is aggrieved by the inordinate delay in conclusion of the matrimonial case. It is the specific contention of the petitioner that the money which has been directed to be paid by the learned criminal court under the Domestic Violence Act, is being paid regularly. It is further submitted that the application for maintenance *pendente lite* has been rejected by the learned court below and an application for recalling of the same is pending.

Having gone through the records, it appears that the progress of the matrimonial suit had suffered during the pandemic and long dates have been fixed by the learned court below. It also appears that cross-examination of the P.W.1 is continuing from 2015. It appears from the records that an order was passed by a learned coordinate Bench dated September 13, 2019, by which the learned court below was directed to dispose of the matrimonial suit within a year

from date of communication of the order. It appears to the Court that the said suit has not yet been disposed of. The application for recalling is still pending. The cross-examination of P.W.1 has also not been concluded.

Under such circumstances, this Court directs the learned court below to dispose of the Matrimonial Suit No.123 of 2013 along with any pending applications within a period of six months from the next date fixed.

This Court has neither gone into the merits of the matrimonial suit nor into the merits of the recalling application. The learned court below shall proceed in accordance with law.

It is made clear that the learned court below, shall be at liberty to fix the schedule of the hearing and intimate the parties so that the parties do not pray for unnecessary adjournments on the dates fixed by the learned court below. As the matrimonial suit is pending since 2013, the learned court below is requested to adhere to the schedule.

An order of expeditious disposal of litigation enures to the benefit of all the parties. Thus, this Court is of the view that prior notice was not required to be served upon the opposite party/wife for disposal of the revisional application.

Accordingly, the revisional application is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)