

09.06.2023
Sl. No.22(DL)
srm

C.O. No. 1721 of 2023

Nilotpall Ghosh

Versus

Sm. Somdatta Halder

Mr. Sounak Bhattacharya,
Mr. Sounak Mondal,
Mr. Abhirup Halder,
Mr. Anirban Saha Ray

...for the Petitioner.

The petitioner prays for expeditious disposal of Matrimonial Suit No.3318 of 2019 along with the application for alimony *pendente lite* pending before the learned Additional District Judge, 3rd Court at Alipore, District-South 24-Parganas.

The petitioner submits that at the stage when the suit was fixed for preemptory hearing, an application for alimony *pendente lite* was filed just to drag the proceedings. It is further submitted that the application for maintenance under Section 125 of the Code of Criminal Procedure filed by the wife, had been rejected.

It appears to the Court that the matrimonial suit is pending since 2019.

An order for expeditious disposal of the application for alimony *pendente lite* filed under Section 36 of the Special

Marriage Act, 1954 and the suit, shall not prejudice the parties in anyway, rather expeditious disposal of any suit or proceeding enures to the benefit of the litigants. Thus, this Court is of the view that no prior notice is required to be served upon the opposite party.

The revisional application is disposed of without having expressed any opinion either on the merits of the application for alimony *pendente lite* or on the merits of the matrimonial suit. The learned Additional District Judge, 3rd Court at Alipore, South 24-Parganas shall decide the application for alimony *pendente lite* within a period of two months from the next date fixed and thereafter proceed with the hearing of the Matrimonial Suit N.3318 of 2019, which is at the stage of evidence.

It is expected that the suit shall be disposed of within the following six months after disposal of the application for alimony *pendente lite*, provided that the husband pays the maintenance, if any, directed by the court.

The petitioner is directed to serve a copy of the revisional application along with a server copy of this order upon the opposite party within a week from date.

Accordingly, the revisional application is disposed of.

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

The learned court below shall proceed on the basis of the service copy of this order.

(Shampa Sarkar, J.)