

11.12.2023
Sl. No.258(DL)
srm

C.O. No. 2124 of 2023
Sri Subrata Roy Karmakar
Versus
Smt. Shyamali Karmakar

Mr. Arijit Sarkar,
Ms. Prajaaini Das

...for the Petitioner.

The petitioner prays for expeditious disposal of Matrimonial Suit No.62 of 2015, which is pending before the learned Additional District Judge, 3rd Court at Barrackpore, North 24-Parganas.

The petitioner contends that the suit was decreed *ex parte*. The wife filed an application under Order IX Rule 13 of the Code of Civil Procedure. The *ex parte* decree was set aside. The husband is continuously paying the maintenance, as directed by the learned court below.

It is submitted that no interlocutory application is pending. The suit is at the stage of recording evidence of the opposite party.

Considering the submissions, this Court is of the view that the prayer of the petitioner for early disposal of the suit, is innocuous. Neither party stands to lose if a proceeding is

disposed of expeditiously. In fact, such expeditious disposal shall enure to the benefit of the parties. Hence, there is no requirement for service of prior notice upon the opposite party.

Under such circumstances, the revisional application is disposed of, with a direction upon the learned court below to dispose of the suit within a period of six months from the next date fixed, independently and strictly in accordance with law, upon allowing the parties to contest the proceeding, provided the maintenance *pendente lite* is being paid continuously by the petitioner. Unnecessary adjournments shall not be granted to any of the parties.

This Court has not gone into the merits of the suit.

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.)