

September 8, 2023
Sl. No.170
Court No.19
s.biswas

CO 2200 of 2023

Shri Subhasish Ghosh
vs.
Smt. Debosree Ghosh (nee Sarkar)

Mr. Supriyo Das

... for the petitioner

The petitioner is the husband who prays for the expeditious disposal of the Matrimonial Suit No.793 of 2018, which is pending before the learned Additional District Judge, 3rd Court, Barrackpore, North 24 Parganas. According to the petitioner, repeated adjournments have been prayed for by the opposite party. It is submitted that the issues have been framed. It is further submitted that the arrear of maintenance and current maintenance are being paid to the wife.

This court is not in a position to ascertain the correctness of the statements. However, the prayer for expeditious disposal of the suit is innocuous.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the pending suit, on an urgent basis.

This court has not gone into the merits of the 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 and very reasonable.

The revisional application is disposed of with a direction upon the learned court below to make an endeavour to dispose of the suit within a year from the next date fixed, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite party/wife to contest the proceedings, provided the husband is paying the current maintenance and has paid the arrear of maintenance pendente lite as directed by the learned court below. In case of failure to pay maintenance pendente lite, the suit shall not proceed.

The learned court below shall proceed strictly in accordance with law and independently.

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.)