

27.07.2023
Court No. 19
Item No.141
CP

C.O. 2208 of 2023

Sujoy Mandal

Vs.

Chandana Roy

Ms. Fatima Hassan

...for the Petitioner.

The petitioner is the husband. The petitioner filed Matrimonial Suit No. 1227 of 2019, which is pending before the learned Additional District Judge, Fast Track, 4th Court at Barrackpore. The said suit has been pending since long.

It is submitted that an application for maintenance pendente lite has been filed by the wife. The same is yet to be disposed of.

The prayer of the petitioner 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.

Considering the age of the suit and the facts submitted, the revisional application is disposed of with a direction upon learned trial court to dispose of the pending application for maintenance pendente lite, within a period of two months from the next

date fixed, upon granting adequate opportunity to the parties to contest the same. Thereafter, the suit shall be disposed of, within the following one year. Such order is subject to the condition that the petitioner pays the maintenance pendente lite that may be directed by the learned court below. In case of default, the suit shall remain stayed and this order will become inoperative.

This court has not expressed any opinion on the merits of the application as also of the suit. The learned court shall proceed independently and in accordance with law.

A copy of the revisional application along with a server copy of this order be served upon the opposite party and/or the learned advocates contesting the matter on behalf of the opposite party in the learned court below, within a week.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)