

08.09.2023
Sl. No.171(DL)
srm

C.O. No. 2698 of 2023
Sri Shyam Sundar Bagchi
Versus
Smt. Sayani Bagchi (nee Sarkar)

Mr. Supriyo Das

...for the Petitioner.

The petitioner is the husband in Matrimonial Suit No.1355 of 2019, which is pending before the learned Additional District Judge, 1st Court at Howrah.

It is submitted that an application under Section 24 of the Hindu Marriage Act filed by the wife seeking maintenance *pendente lite* being Misc. Case No.132 of 2022, is pending.

The petitioner prays for expeditious disposal of the matrimonial suit along with the application.

An order of expeditious disposal of any litigation enures to the benefit of all the parties and hence prior service of this revisional application upon the opposite party is not required. The prayer is innocuous.

Under such circumstances, the revisional application is disposed of with a direction upon the learned court below to dispose of the application within a period of three months from the next date fixed, independently and strictly in

accordance with law, upon allowing the parties to contest the proceeding. Upon disposal of the application, the matrimonial suit shall be disposed of within a period of one year, in accordance with law, provided the husband pays maintenance if directed by the learned court below. In case of default, the suit shall not proceed on the basis of this order. Unnecessary adjournments shall not be granted to any of the parties.

This Court has neither gone into the merits of the suit nor into the merits of application. This order shall not be construed as a direction upon the learned court below to allow the application for maintenance.

It is made clear, that the said application shall be decided on its own merits on the principles of law applicable.

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.)