

29.08.2023
Court No. 19
Item No.35
CP

C.O. No. 2716 of 2023

Biswanath Dey

Vs.

Smt. Moon Moon Dey

Mr. Arnab Nandi

Mr. D. S. Sarkar

....for the petitioner.

The petitioner is the husband who prays for expeditious disposal of Matrimonial Suit No. 526 of 2018, which is pending before the learned Additional District Judge, 1st Court at Alipore.

It is submitted that the wife has not filed any application for maintenance pendente lite in the suit. That the amount which was awarded in a proceeding under Section 125 of the Code of Criminal Procedure is being regularly paid by the husband. It is also submitted that an application for amendment of the plaint is still pending, but the wife has not filed any objection.

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 and hence, there is no requirement for service of prior notice upon the opposite party.

The revisional application is disposed of with a direction upon the learned court below to dispose of

the applicator for amendment, 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 proceed and be disposed of within a year from disposal of the amendment application.

This court has not expressed any opinion on the merits of the application and 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 advocate 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.)