

June 19, 2023
Sl. No.154
Court No.19
s.biswas

CO 2302 of 2021

Sri Arnab Chakraborty

vs.

Smt. Nabamita Nath Chakraborty

Mr. Sayan Sinha

Mr. Steven Sourodip Biswas

... for the petitioner

Mr. S. Roy Chowdhury

... for the opposite party

Instead of going into the merits of the application which has been filed by the respondent/wife in the Matrimonial Suit No.1112 of 2019, this court is of the view of that as the matrimonial suit is pending since 2019, justice would be subserved, if the suit along with pending applications are disposed of expeditiously.

Mr. Roy Chowdhury, learned advocate appearing on behalf of the opposite party/wife submits that the application for maintenance pendente lite and litigation cost, the application for amendment to the application for maintenance pendente lite and the application for stay of the matrimonial proceeding are pending for final disposal before the learned court below and until such applications are disposed of, the matrimonial suit shall not proceed.

Mr. Sinha, learned advocate appearing on behalf of the petitioner/husband submits that the wife filed the application for maintenance pendente lite and for litigation cost only to protract the

proceedings and the wife is already being paid Rs.28,000/- per month under the provisions of Domestic Violence Act.

The allegation of Mr. Sinha is denied by Mr. Roy Chowdhury to the extent that the question of delaying the proceeding did not arise.

An order of a Co-ordinate Bench of this Court has been placed, wherein this court was pleased to observe that the matrimonial suit should remain stayed till the application for maintenance pendent lite is disposed of.

Having heard the learned counsel for the respective parties, justice would be subserved if all the pending applications including the application for maintenance pendente lite and litigation cost are disposed of by the learned court below, on their own merits, within a period of four months from the date of communication of this order. Thereafter, the learned court below shall proceed with the matrimonial suit and conclude the suit preferably within the following six months.

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. The prayer is innocuous.

It is made clear that in case the husband defaults in payment of the amount that may be

directed by the learned court below to be paid as maintenance pendente lite and litigation cost, the suit shall automatically remain stayed, till further directions are passed by the learned court below or by any competent forum.

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.)