

29.08.2023
Court No. 19
Item No.36
CP

C.O. No. 2922 of 2023

Debmalya Saha
Vs.
Smt. Smita Roy Saha

Mr. Krishna Das Poddar
.....for the petitioner.

The petitioner is the husband who prays for expeditious disposal of Matrimonial Suit No. 2342 of 2021, which is pending before the learned Additional District Judge, 1st Court at Barasat.

It is submitted that the wife withdrew the application for maintenance pendente lite. An application under Order 6 Rule 17 of the Code of Civil Procedure, filed by the wife is pending. It is also submitted that the suit has the potential of being disposed of expeditiously.

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 pending application and the suit, within a period of six months from the next date fixed, upon

granting adequate opportunity to the parties to contest the same. The petitioner shall be at liberty to pray for completion of evidence within a short period.

This court has not expressed any opinion on the merits of the pending applications 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.)