

29.08.2023
Court No. 19
Item No.37
CP

C.O. No. 2923 of 2023

Debmalya Saha
Vs.
Smt. Smita Roy Saha

Mr. Krishna Das Poddar

....for the petitioner.

The petitioner is the father who prays for expeditious disposal of Misc. Case No. 64 of 2023 (Act VIII), which is pending before the learned Additional District Judge, 1st Court at Barasat.

It is submitted that an application for interim visitation is pending. It is further alleged that the wife is not interested to file the written statement. As a result of which, the petitioner is being prevented from meeting the child.

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 interim visitation application, within a month from the next date fixed, upon granting adequate opportunity to the parties to contest the same.

Thereafter, the Act VIII case shall proceed and be disposed of within a year from the disposal of the interim visitation application.

This court has not expressed any opinion on the merits of the pending application and the Act VIII case. The learned court shall proceed independently and in accordance with law.

The petitioner will be at liberty to pray for fixing the dates for evidence of the parties as per the convenience of the petitioner and at short intervals as the petitioner has to travel from Durgapur.

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.)