

S/L 38
19.01.2023
Court No.652
SD

CO 3092 of 2022

Anindita Mukherjee
Vs.
Abhijit Chatterjee

Mr. Avirup Mondal
Mr. Soumalya Ganguli

...for the Petitioner.

This is an application under Article 227 of the Constitution of India with direction upon the court below for expeditious disposal of the Matrimonial Suit No.339 of 2019 presently pending before the Court of learned Additional District Judge, 2nd Court, Purba Bardhaman.

The plaintiff/petitioner filed the aforesaid matrimonial suit under Section 27 of the Special Marriage Act for dissolution of marriage on the ground of cruelty. The opposite party filed written statement denying and disputing the allegations.

He has also filed an application under Section 36 of the Hindu Marriage Act and whereby the court below has directed the opposite party herein to pay the petitioner a sum of Rs.20,000/- per month towards maintenance pendente lite and a sum of Rs.70,000/- towards litigation costs.

It is alleged by the petitioner that the said suit is adjourned mechanically for reconciliation without just cause and the petitioner has been forced to attend every hearing

before the court below. Accordingly, petitioner has sought for aforesaid direction.

Since the prayer is made innocuous and that if it is heard and disposed of in terms of prayer as above, in the absence of the opposite party, neither party will have a cause to prejudice, the process of serving copy of the revisional application and notice upon the opposite party are dispensed with.

In view of the facts and circumstances of the case, CO 3092 of 2022 is hereby disposed of with a direction upon the learned Additional District Judge, 2nd Court, Purba Bardhaman to make every endeavour for expeditious hearing of the aforesaid suit and to conclude the entire proceeding of the said suit along with the connected applications, preferably within a period of one year from the date of communication of the order, without granting any unnecessary adjournment to either of the parties.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Ajoy Kumar Mukherjee, J.)