

December 4, 2023
Sl. No.361
Court No.19
s.biswas

CO 3588 of 2023

Arindam Chaudhuri
vs.
Nanda Chaudhuri

Mr. Abhik Sarkar

... for the petitioner

The petitioner is the husband who seeks expeditious disposal of the Misc. Case as also the Matrimonial Suit No.1698 of 2019, which are pending before the Learned Additional District Judge, 4th Court, Barasat. The petitioner submits that the misc. case is an application for permission to visit the son, which has been pending since long.

It is further contended that the maintenance pendente lite is being paid by the petitioner/husband, on a regular basis, as per direction of the learned court below.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court below is directed to dispose of the pending suit, expeditiously.

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. Hence, prior service of this revisional application upon the opposite party, would not be necessary. The prayer is innocuous.

Under such circumstances, the revisional application is disposed of, with a direction upon the learned court below to dispose of the Misc. Case within a period of three months from the next date fixed, upon giving the wife an opportunity to file a written objection and without granting unnecessary adjournments to either of the parties. Subject to the condition that the husband continues to pay the maintenance pendente lite as directed, the suit shall be disposed of with a year from date.

It is made clear that in default of payment of monthly maintenance, the suit shall automatically remain stayed.

The learned court below shall proceed strictly in accordance with law and independently.

Petitioner is directed to serve a copy of this revisional application along with the server copy of this order upon the opposite party.

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.)