

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.257 of 2022

=====

Shampa Dutta Wife of Dipen Kumar Dutta @ Dippu Dutta, Resident of Mohalla - Shakti Nagar, Rayganj, P.S. - Rayganj, District - Uttar Dinajpur (West Bengal).

... .. Appellant/s

Versus

Dipen Kumar Dutta @ Dippu Dutta Son of Late Dilip Kumar Dutta, Resident of Mohalla - Baniya Tola, P.S. Katihar Town, District - Katihar.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Bimal Kumar
For the Respondent/s : Mr. Ajit Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
And
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 26-11-2024

The appellant has assailed the judgment and order dated 01.02.2022 passed by the learned Additional Principal Judge, Family Court, Katihar in Matrimonial Case No. 315 of 2019. The respondent has filed a petition under Section 13(1) (ia) and (ib) under the Hindu Marriage Act for the decree of divorce. Undisputedly, it is an *ex-parte* order during the COVID-19 period.

2. The Hon'ble Supreme Court in **Suo Motu**

Writ Petition(C) No. 3 of 2020 reported in **(2021) 5**

SCC 452 elaborately considered if any decisions of the authority or Courts during the COVID-19 period and if it is affecting any of the parties rights, in that event, they have to be provided the opportunity.

3. Taking note of the principle laid down in the in the aforementioned decision, we set aside the order dated 01.02.2022 passed by the learned Additional Principal Judge, Family Court, Katihar in Matrimonial Case No. 315 of 2019 and remand the matter to the learned Family Court, Katihar. The parties are hereby directed to cooperate in deciding Matrimonial Case No. 315 of 2019 without seeking unnecessary adjournments. The Family Court is requested to decide the Matrimonial Case No. 315 of 2019 within a period of six months from the date of receipt of the order.

4. The Registry is hereby directed to return the L.C.R forthwith.

5. The appeal stands allowed.

6. Our interim order dated 25.07.2024 holds

good in so far as the enhanced maintenance from Rs. 7000/- to Rs. 12,000/-. The same shall continue till disposal of the Matrimonial Case No. 315 of 2019.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28/11/2024
Transmission Date	N/A