

January 30, 2024
Sl. No.183
Court No.19
s.biswas

CO 93 of 2024

Shib Shankar Roy

vs.

Chayanika Roy (Bhattacharya)

Mr. Sounak Bhattacharya

Mr. Sounak Mondal

... for the petitioner

The petitioner is the husband who prays for expeditious disposal of the Matrimonial Suit No.2587 of 2021, which is pending before the learned District Judge, 4th Court at Barasat, District North 24 Parganas.

It is submitted that the following applications are pending:

- a) Application under Section 26 of the Hindu Marriage Act, filed by the husband on 30.04.2022;
- b) Application under Section 151 of the CPC filed by the opposite party on 17.06.2022 inter alia praying for recalling of the order dated 30.04.2022;
- c) Application for reconciliation filed by the opposite party on 04.03.2023;
- d) Application under Order 8 Rule 1 of CPC filed by the opposite party on 04.03.2023;
- e) Application under Order 6 Rule 18 of the CPC filed by the opposite party on 04.03.2023;

- f) Application under Order 14 Rule 2 of the CPC filed by the opposite party on 04.03.2023;
- g) Application under Order 7 Rule 14 of the CPC read with Section 151 of the CPC filed by the opposite party on 04.03.2023.

Apart from the application under Section 26 of the Hindu Marriage Act, which has been filed by the petitioner, all other applications have been filed by the opposite party/wife.

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 suit as also the applications, on an urgent basis.

This court has neither gone into the merits of the applications nor 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 and very reasonable.

The revisional application is disposed of with a direction upon the learned court below to dispose of all the pending applications, within a period of six months from the next date fixed, without granting unnecessary adjournments to either of the parties

and upon granting adequate opportunity to the opposite party to contest the proceedings.

It is further contended that no application for maintenance pendente lite has yet been filed. The learned court below shall proceed with suit and dispose of the same within next one year from disposal of the applications. However, in case the wife files any application for maintenance and the maintenance pendente lite is allowed, the suit will be disposed of as directed, only if the maintenance is paid by the husband. 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.)