

*In The High Court At Calcutta
Civil Revisional Jurisdiction*

C.O. No. 810 of 2023

**Sri Bidesh Ghosh
Vs.
Smt. Samapti Ghosh**

Ms. Sohini Chakraborty,
Mr. Sandip Ganguly,
Mr. Koushik Bhattacharya ... For the petitioner.

Mr. D. K. Adhikari,
Mr. Chandra Sekhar Mukherjee
... For the opposite party.

The petitioner has filed the connected *Matrimonial Suit No. 3224 of 2018* for dissolution of his marriage with the opposite party by a decree of divorce.

The said suit is pending before the 10th Court of learned Additional District Judge at Alipore, District – 24 Parganas (South).

The learned Trial Judge by the order impugned being Order No. 41 dated July 08, 2022 has allowed an application filed by the opposite party for alimony *pendente lite* registered as Misc. Case No. 314 of 2019, *ex parte* thereby directing payment of alimony *pendente lite* @ Rs. 10,000/- per month from the date of filing of the said application for alimony *pendente lite* and payment of a further sum of Rs. 10,000/- on account of litigation expenses.

The petitioner is praying for a chance to contest the said application.

The disposable income of the husband needs to be ascertained for the effective adjudication of an application for alimony *pendente lite* and the said fact since is within the special knowledge of the husband, opportunity should be given to him to disclose his such income, assets and liabilities in the said proceeding, as the same would enable the Court to arrive at a just and proper finding regarding the quantum of alimony *pendente lite* to be awarded in favour of the wife.

The application for alimony therefore requires a fresh consideration.

The husband shall file written objection to the application and shall also file the affidavit as to his assets and liabilities within a period of **two weeks from date**; the wife shall be entitled to file rejoinder to the said written objection and to the said affidavit.

Ad hearing to the mandate of the proviso appended to Section 36 of the said Act of 1954 the learned Trial Judge shall make all endeavour to dispose of the said application as expeditiously as possible and in doing so shall not grant any unnecessary adjournment to either of the parties.

The petitioner during pendency of the said application shall pay a sum of Rs. 3,000/- per month by way of ad interim maintenance *pendente lite* to the opposite party.

The payments to be made in terms of this order and the payments already made in terms of the order dated December 14, 2023 passed in the present revisional application are without prejudice to the right and contention of the parties and would be adjusted against the arrear maintenance to be calculated in terms of the final order to be passed.

To facilitate the entire exercise, the order impugned is set aside.

C.O. 810 of 2023 is disposed of with the above terms without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)