

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE

CO 729 of 2021

Dilip Adhikary
Vs.
Smt. Paromita Adhikary (Mahato)

Mr. Imtiaz Ahmed
Mrs. Ghazala Firdaus
Mr. Mukesh Kumar Saha
Mrs. Smita Saha
Mr. Sk. Saidullah
Mr. Mithun Mondal
Mr. Md. Arsalan
... For the petitioner

Mr. Sabyasachi Mukherjee
Mr Noortaj Ahmed Mallick
Mr. Mukesh Khanna
Mr. Poulam Dey
Ms. Ankita Nandi
... For the opposite party

1. This revisional application under Article 227 of the Constitution of India has been filed assailing the order dated 19th January, 2021 passed by the learned Additional District Judge, Fast Track Court-IV, Barrackpore, North 24-Parganas, whereby the learned Judge disposed of an application under Section 24 of the Hindu Marriage Act, 1955, directing to pay maintenance *pendente lite* at the rate of Rs.5,000/- per month to the petitioner/wife.

2. Learned counsel appearing on behalf of the petitioner has submitted that the order was assailed in the instant revisional application as the learned Judge

assessed the maintenance *pendente lite* ignoring the facts envisaged in course of hearing on behalf of the parties.

3. Learned counsel appearing on behalf of the opposite party files a copy of the order dated 15th September, 2023 wherefrom it appears that the learned Judge dismissed the original Matrimonial Suit, being MAT 1237 of 2016, for default.

4. Learned counsel appearing on behalf of the petitioner conceded the fact of dismissal of the Matrimonial Suit No.1237 of 2016 for default.

5. In these circumstances, learned counsel appearing on behalf of the petitioner, in his usual fairness, submits that when the original matrimonial suit has already been dismissed for default, any interim order passed therein also does not survive.

6. From that point of view, the instant revisional application assailing the interim order passed under Section 24 of the Hindu Marriage Act, in my opinion, is liable to be infructuous.

7. In the aforesaid view of the matter, the instant revisional application stands dismissed.

8. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

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

(Bibhas Ranjan De, J.)