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IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 1152 of 2024

Rita Bose @ Rita Mitra
Versus
Subal Bose

Ms. Sudeshna Das
... For the petitioner.

1. Affidavit of service filed in Court today is taken on record.
2. Despite service, none appears on behalf of the opposite party.
3. By the order dated 20th November, 2024 this Court was inter alia pleased to pass the following order:-

“Aggrieved by the failure to dispose of the application filed under Section 151 of the Code of Civil Procedure as regards implementation of the order no.66 dated 16th January, 2021 passed by the learned Additional District Judge, 8th Court at Alipore, the instant revisional application has been filed.

Having heard the learned advocate and taking note of the submissions made on behalf of the petitioner who is the wife, that the opposite party is not making payment of the alimony pendent lite, I am of the view that the instant revisional application should be served on the husband/opposite party.

In view thereof, I direct the petitioner to serve the revisional application upon the opposite party and file affidavit of service on the returnable date”.

4. It would appear from the order dated 22nd February, 2024 passed by the learned Trial Court that the learned Trial Court taking note of the submissions made on behalf of the learned advocate representing the husband/opposite party that a revisional application had been filed before this Court, the matter was adjourned to afford an opportunity to the husband/opposite party to file written objection.
5. Ms. Das, learned advocate appearing in support of the aforesaid revisional application would submit that though the matter was posted for further hearing on 20th April, 2024, no further hearing took place since the learned Court was lying vacant. Today, she would submit that a new incumbent has already taken charge of the Court of the learned Additional District Judge, 8th Court, Alipore. She would submit that till date no particulars of the purported revisional application, allegedly filed before this Court had been disclosed by the opposite party. Unfortunately, the petitioner’s application for implementation of the order for payment of alimony *pendente lite* has been kept pending.

6. Having regard to the above and considering the fact that the order no.66 dated 16th January, 2021 directing the opposite party to deposit all arrears in Court by way of civil deposit within a period of one month from such date and despite such direction no such deposit having been made, an application under Section 151 of the Code of Civil Procedure, 1908, for implementation of the aforesaid order had been filed. Considering the long pendency of the aforesaid application and since none has come forward to disclose pendency of any other revisional application, I am of the view that the learned Judge should hear out and dispose of aforesaid application filed under Section 151 of the Code of Civil Procedure for implementation of the order no.66 dated 16th January, 2021 as expeditiously as possible, preferably within a period of one month from the date of communication of this order.

7. With the above observations and directions the revisional application, being CO 1152 of 2024 stands disposed of.

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

(Raja Basu Chowdhury, J.)