

16.04.2024
Ct. No. 19
Sl. No. 19
Cp

CO/1245/2024

DR. BHUBANDEEP MUKHOPADHYAY
VS
SUDESHNA MUKHOPADHYAY NEE GHOSH

Mr. Suhrid Sur

Mr. Chandril Chattopadhyay

... for the Petitioner.

The petitioner prays for expeditious disposal of Matrimonial Suit No. 568 of 2018, which is pending before the learned Additional District Judge, Fast Track Court, Chandernagore, Hooghly.

The prayer of the petitioner is innocuous. Neither party stands to lose if a proceeding is disposed of expeditiously. In fact, such expeditious disposal shall enure to the benefit of the parties. Hence, there is no requirement for service of prior notice upon the opposite party.

It is submitted that a previous suit being Mat Suit No. 469 of 2013 was filed by the husband for judicial separation. The same was withdrawn. The wife had filed a counter-claim for restitution of conjugal rights in the said suit. The said counter-claim is pending hearing. There was an order for payment of maintenance pendente lite. Although it is submitted by the husband that the

maintenance is being paid, there appears to be an execution proceeding in the other suit.

Thus, this court is of the view that the learned court, before whom the Mat Suit No. 568 of 2018 is pending, shall expedite the disposal of the suit, upon ensuring that the order of maintenance as directed in the earlier suit (Mat Suit No. 469 of 2013) has been complied with.

If the husband satisfies the court that the amount has been paid as directed, the learned court shall proceed with the expeditious disposal of the suit and dispose of the same preferably within a year.

This order will not prevent the parties from approaching the appropriate court for an analogous hearing of the two suits as the suits are pending before the court.

This court has not expressed any opinion on the merits of the suit. The learned court shall proceed independently and in accordance with law.

A copy of the revisional application along with a server copy of this order be served upon the opposite party and/or the learned advocate contesting the matter on behalf of the opposite party in the learned court below, within a week.

The revisional application is accordingly disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)