

28.06.2024
SL No.1-2
Court No.29
(gc)

CRC 7 of 2024
In
FA 137 of 2006
With
FA 169 of 2009

Swati Malakar alias Ghosh
Vs.
Subrata Ghosh

Mr. Rwitendra Banerjee,
...for the Petitioner.

1. The alleged contemnor is present in Court and has prayed for variation of the order by which he was directed to pay maintenance @ Rs.10,000/- per month on and from December, 2022 till disposal of the suit. It is submitted that his contractual service was not renewed after December, 2022 as he completed the age of 60 years. He submits that he is surviving on the pension of his mother.
2. It is submitted on behalf of the petitioner that as on date, a sum of Rs.50,000/- is due and payable towards interim maintenance.
3. On 21st November, 2022, we observed that both the suits shall be disposed of preferably within six months from the date of communication of that order without granting any adjournment to either of the parties unless it is unavoidable. It appears that both the suits are still pending and due to

the vacancy of the court, hearing could not take place.

4. We dispose of this contempt application by directing the learned District Judge to assign both the suits to a Bench and we request the learned Judge, to whom the matter shall be assigned, to dispose of the suits within a period of six months from the date of communication of this order.
5. The learned Registrar Administration (L&OM) is directed to communicate this order to the learned District Judge for information and doing the needful.
6. The alleged contemnor appearing in person has submitted that he shall appear before the learned Trial Court and shall not seek any adjournment. Similar is the assurance on behalf of the petitioner.
7. For the time being, the alleged contemnor shall pay a sum of Rs.25,000/- to the wife within three weeks from date and the balance amount shall be paid within three weeks thereafter.
8. In the event the aforesaid amount is not paid within the time stipulated, the petitioner shall be entitled to file an application for execution of this order before the appropriate Court for the entire

sum of Rs.50,000/- or the amount that might be due and payable on that date.

9. Upon payment of the aforesaid sum, the parties may approach the learned Trial Court for determination of the maintenance amount afresh and in the event any such application is filed, the learned Trial Judge shall decide the matter without being influenced by the order passed by this Court earlier as regards determination of maintenance.
10. We make it clear that in the event the parties are not represented on the date to be fixed by the learned Trial Court without justification, the learned Trial Court shall proceed with the hearing of both the suits and dispose of the suits in accordance with law.
11. Accordingly, the contempt application stands disposed of.
12. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Soumen Sen, J.)

(Uday Kumar, J.)