

S/L 40
22.8.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 2340 of 2024

Basabi Dutta Choudhury
Vs.
Prabudha Guha Thakurata

Mr. Dyutiman Banerjee
Mr. Sourjya Roy
Ms. Riyanka Manna

...for the Petitioner.

The order proposed to be passed in the present application under Article 227 of the Constitution of India would not cause any prejudice to the opposite party, as such, service of notice of the present application upon the said opposite party is dispensed with.

The petitioner is the wife of the opposite party and the respondent of the matrimonial suit filed by the said opposite party for dissolution of marriage between them. The said suit being *Matrimonial Suit No.2418 of 2021* is pending before the 13th Court of learned Additional District Judge at Alipore, District- 24 Parganas (South).

In the said suit the petitioner has filed an application under Section 36 of the Special Marriage Act, 1954 for alimony *pendente lite* which has been registered as Misc. Case No.61 of 2022.

The petitioner is complaining delay in disposal of the said Misc. Case.

The proviso appended to Section 36 of the Act of 1954 mandates that an application for alimony *pendente lite* is required to be disposed of within 60 days from the date of service of notice upon the husband, but this Misc. Case is pending since 2022.

In view of such position, the learned Trial Judge is requested to dispose of the said Misc. Case as expeditiously as possible in accordance with law, and in doing so, shall not grant any unnecessary adjournment to either of the parties.

C.O. 2340 of 2024 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)