

20.09.2024
Item No.7 DL
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 2900 of 2024

Subhra Pratim Das

-Vs-

Moumita Dey

Mr. Manas Kumar Das,
Mr. Aritra Kumar Thokdar.
.....for the petitioner.

Mr. Rajib Mukherjee,
Ms. S. Bhaduri.
.....for the opposite party.

Affidavit of service filed on behalf of the
petitioner be kept with the record.

The parties to the application under Article
227 of the Constitution of India are husband and
wife.

The husband, the petitioner herein has filed
a suit for dissolution of marriage between the
parties by a decree of divorce which has been
registered as Matrimonial Suit No.1261 of 2023
before the learned Additional District Judge, FTC-
III, Howrah.

The application for alimony *pendente lite*
under Section 24 of the Hindu Marriage Act, 1955
filed by the wife has been registered as Misc. Case
No. 34 of 2024.

The husband has prayed that the Misc. case
be disposed of after taking evidence of the parties.

The learned Trial Judge, without
considering the said prayer, by the order dated

June 24, 2024, had directed the parties to file documents.

An application under Section 24 of the Hindu Marriage Act, 1955 when has been registered as misc. case, Rule 776(58) of the Civil Rules and Orders of the High Court, Calcutta prescribes disposal of the said application on evidence of the parties.

The learned Trial Judge, therefore is requested to allow the parties to adduce evidence on the said application for alimony *pendente lite*, however adhering to the mandate of the proviso appended to Section 24 of the said Act of 1955, is requested to expedite the disposal of the said misc. case.

C.O. 2900 of 2024 is disposed of with the above observations without any order as to costs.

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

(Biswajit Basu, J.)