

March 11, 2024
Sl. No.1
Court No.19
s.biswas

CO 3222 of 2023

Sri Ayan Ray
vs.
Smt. Mousumi Ray

Ms. Sananda Bhattacharyya

... for the petitioner

Affidavit of service filed by the petitioner is taken on record. Despite service, none appears on behalf of the opposite party.

The petitioner is the husband, who prays for expeditious disposal of the Matrimonial Suit No.1559 of 2021, which is pending before the learned Additional District Judge, Fast Track 2nd Court at Barasat, North 24 Parganas.

It is submitted that there are no proceedings pending between the parties at the interlocutory stage. No application for maintenance pendente lite has been filed. It is also submitted that the suit has been fixed for peremptory hearing.

Under such circumstances, this court is of the view that justice would be subserved, if the learned court is directed to dispose of the pending suit, on an urgent basis.

This court has not gone into the merits of the suit. An order of expeditious disposal of any litigation, enures to the benefit of all the parties. The prayer is innocuous and reasonable. Hence, prior service of the revisional application is not necessary.

The revisional application is disposed of with a direction upon the learned court to make an endeavour to dispose of the suit within a year from the next date fixed, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite party/wife to contest the proceedings, provided the husband continues to pay the maintenance pendente lite regularly, if so directed by the competent court. In case of failure to pay maintenance pendente lite, if directed, the suit shall not proceed.

The learned court shall proceed strictly in accordance with law and independently.

Petitioner is directed to serve the server copy of this order upon the opposite party. Further service of this revisional application is not required.

Accordingly, the revisional application is disposed of.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)