

26.02.2024
Item No.13
gd/ssd

CO/3368/2023
ANIKET GANGULY
VS
SOUMIKA CHAKRABORTY

Mr. Partha Pratim Roy,
Mr. Anirban Das
..for the Petitioner.

Mr. Supratik Basu,
Mr. Shuvam Shaw
..for the O.P.

Mr. Roy, learned Advocate appearing for the petitioner fairly submits that the application under Section 24 of the Code of Civil Procedure at the instance of the wife/opposite party herein is still pending.

On a query of the court as to whether the wife still wants to pursue her application under Section 24 of the Code of Civil Procedure, the learned advocate appearing for the opposite party, upon instructions from his client, submits that the wife/opposite party herein shall not press the application under Section 24 of the Code of Civil Procedure. Such submission is placed on record.

This is an application under Article 227 of the Constitution of India praying for expeditious hearing of Matrimonial Suit No. 1912 of 2016 pending before the learned District Judge at Barasat, District 24-Parganas (North).

Mr. Roy submits that the wife has filed the suit for divorce on certain grounds.

The husband/opposite party herein filed an application under Order XII Rule 6 of the Code of Civil Procedure.

Record reveals that the learned trial judge by an order dated 30th May, 2023 fixed 9th October, 2023 for hearing of the said application under Order XII Rule 6 of the Code.

Mr. Roy further submits that the wife/opposite party herein has filed an application under Section 36 of the Special Marriage Act on 30th May, 2023, which is still pending. He further submits that since the petitioner has filed the application under Order XII Rule 6 of the Code, the same may be directed to be taken up prior to the hearing of the application under Section 36 of the Special Marriage Act.

The learned Advocate for the wife/opposite party herein submits that the husband/opposite party herein filed a written statement along with counter claim.

Be that as it may, CO 3368 of 2023 is disposed of by requesting the learned Additional District Judge, 4th Court at Barasat to take up the hearing of the pending applications i.e. one, under Order XII Rule 6 of the Code of Civil Procedure and

the other, under Section 36 of the Special Marriage Act and to dispose of the same expeditiously without granting any unnecessary adjournments to either parties.

It will be open to the learned trial judge to decide as to which application shall be taken up first and the parties will be at liberty to advance their submissions in support of their respective contentions in this regard.

There shall be no order as to costs.

Urgent certified copy of this order, if applied for, be given to the learned advocates for the parties on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)