

February 29, 2024
Sl. No.30
Court No.19
s.biswas

CO 3901 of 2023

Somnath Das

vs.

Riya Majumder Das

Mr. Shibasis Chatterjee

Mr. Aritra Roy Chowdhury

... for the petitioner

The petitioner is the husband who prays for expeditious disposal of the Miscellaneous Case No.39 of 2022 as also the Matrimonial Suit No.505 of 2022, which are pending before the learned Additional District Judge, 5th Court at Malda.

The petitioner contends that the wife has filed a written objection to the misc. case but the misc. case which deals with the prayer for visitation of the child, is yet to be disposed of.

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

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

The revisional application is disposed of with a direction upon the learned court below to dispose of the misc. case within a period of three months and

the suit shall be disposed of expeditiously preferably within a period of two years from the next date fixed, without granting unnecessary adjournments to either of the parties and upon granting adequate opportunity to the opposite party to contest the proceedings. The learned court below shall proceed strictly in accordance with law and independently. This court has not gone into the merits of the proceedings.

It is submitted that the wife has not prayed for any maintenance pendente lite as yet.

The maintenance pendente lite, if awarded in future, shall be paid by the husband if he seeks expeditious disposal of the suit.

Petitioner is directed to serve a copy of this revisional application along with the server copy of this order upon the opposite party.

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.)