

CRR 4368 of 2023

Smt. Ritu Mishara (nee Tiwari)

Vs.

Dr. Karunesh Mishra

Adv. Farhan Gaffar,

Adv. Jaydeep Das,

...for the petitioners.

Adv. Chittapriya Ghosh,

Adv. Moitrayee Chatterjee,

...for the O.P.

Affidavit of service filed on behalf of the petitioner is taken on record.

Heard learned counsels for the parties.

The petitioner who is the wife of the opposite party is aggrieved by the order passed by the learned Judge-in-charge, North 24 Parganas at Barasat on 20th July, 2023 by which the learned Judge has stayed the operation of the order for interim maintenance passed by the learned Chief Judicial Magistrate on 30th May, 2023 in connection with M. Case no. 141 of 2022 subject to condition that the opposite party/husband shall go on paying Rs.15,000/- per month to the present petitioner as well as the arrear maintenance within the time stipulated in the said order. It is not in dispute that the condition laid down in the order is being complied with by the opposite party.

Learned counsel for the petitioner submits that since the petitioner is an unemployed lady with several responsibilities/liabilities to meet, the interim maintenance granted by the learned Judge be enhanced to a certain extent till the matter is disposed of finally.

Per contra, learned counsel for the opposite party submits that the opposite party is an interior designer and has sufficient earnings on her own. Learned counsel takes this Court to the affidavit of assets submitted by the opposite party before the learned trial Court which demonstrates that the opposite party has also purchased a car for herself which is in her custody.

Several issues with regard to the income and liability of the parties are required to be adjudicated by the learned trial Court.

It is informed to this Court that the matter has been transferred to the learned 1st Fast Track, 5th Court, Barasat.

Upon consideration of the submission made on behalf of the parties and material on record, this Court is inclined to hold that the learned Fast Track, 5th Court, Barasat be directed to dispose of the revisional application, being no. 234 of 2023 as expeditiously as possible, preferably within six months from the next date fixed before him, without granting any unnecessary adjournment to either of the parties, in accordance with law.

The opposite party shall continue to comply with the order dated 20th July, 2023 passed by the learned Judge failing which the order of stay shall stand automatically vacated as recorded in the order itself.

The parties are at liberty to prepone the matter upon notice.

Urgent certified website copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Suvra Ghosh, J.)