

S/L 6
17.9.2024
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

CO 4039 of 2023

Sri Anirban Nag
Vs.
Smt. Riyanka Sharma Nag

Mr. Atanu Basu
Mr. Indranuj Dutta
Mr. Rahul Ghosal

...for the Petitioner.

Mr. Debdutta Raha

...for the Opposite Party.

The parties were referred to mediation.

The mediation report is on the record. It appears that such effort has failed, as such the matter is taken up for disposal on merit.

The petitioner has filed a connected suit being Matrimonial Suit No.2269 of 2019 for dissolution of the marriage between the parties by a decree of divorce. The said suit is pending before the 8th Court of learned Additional District Judge, Alipore, District: 24 Parganas (South).

The wife, the respondent of the said suit, the opposite party herein, has filed an application for alimony pendente lite under Section 24 of the Hindu Marriage Act, 1955. The said application has been registered as Misc. Case No.21 of 2022.

The learned Trial Judge, by the order impugned dated September 04, 2023, has refused the prayer of the petitioner for disposal of the said Misc case after recording of oral evidence of the parties.

In terms of Rule 776(58) of the Civil Rules and Orders of the High Court, Calcutta, if an application for maintenance *pendente lite* has been registered as misc. case, the Court is

obliged to dispose of the said application after recording of evidence of the parties.

To facilitate the said exercise, the order impugned is set aside.

The learned Trial Judge is directed to dispose of the said Misc. case in terms of the aforementioned Rule of the Civil Rules and Orders of the High Court, Calcutta as expeditiously as possible in accordance with law and in doing so, shall not entertain the prayer of the parties for any unnecessary adjournment.

C.O. 4039 of 2023 is disposed of with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)