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IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

C.O. 128 of 2024

Dr. Arunava Datta
-vs-
Dr. Kamalika Mandal

Mr. Abhilash Mittal
... for the petitioner.

This is an application filed under Article 227 of the Constitution of India where petitioner has prayed for a direction for expeditious disposal of Mat Suit No. 372(9) of 2022 presently pending before learned Additional District Judge, Fast Track Court, Siliguri.

Petitioner contended that he filed a suit for dissolution of marriage before the learned Additional District Judge, Fast Track Court, Siliguri, on 22nd September, 2022 and thereafter the suit was transferred to the Court of Additional District Judge, Fast Track Court, Siliguri for disposal and the transferee Court fixed the matter on 15th November, 2022 for appearance of the respondent. Thereafter the respondent appeared in the said suit on 31st January, 2023 and learned Trial Court by its

order dated 31st January, 2023 referred the matter to mediation. He further submits that the Trial Court thereafter framed issues on 26th July, 2024. It is further submitted that initially respondent did not file any written statement and for which the suit was fixed for ex-parte hearing. Thereafter, the respondent filed written statement. On the basis of written statement Court was pleased to frame issues, but the trial has not been commenced. As such, the petitioner has prayed for necessary direction for expeditious disposal of the aforesaid matrimonial suit.

Since the prayer made on behalf of the petitioner is innocuous and, if any, order is passed in terms of the prayer made in the petition, opposite party will have no cause to prejudice, the service of application upon the opposite party is hereby dispensed with.

Upon hearing learned counsel appearing on behalf of the petitioner and that the prayer made on behalf of the petitioner is justified and as such, for the ends of justice present application being C.O. 128 of 2024 is hereby disposed of with a direction upon the Court below to make every endeavour for expeditious disposal of the aforesaid matrimonial suit

being Mat Suit No. 372 (9) of 2022 and to conclude the entire proceeding of the suit preferably within a period of 12 weeks from the date of communication of this order.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on priority basis on compliance of all usual formalities.

(Ajoy Kumar Mukherjee, J.)