

12.06.2025
Court No.652
Item No. 69
sudipta

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

**C.O. 322 of 2021
With
CAN 1 of 2021
With
CAN 2 of 2021**

**Smt. Mousumi Biswas
Vs.
Sri Subir Biswas**

Mr. Goutam Chakraborty
Mr. Ayan Basu
Mr. Swagatam Deb

...for the petitioner

Mr. Aniruddha Chatterjee, Sr. Adv.
Mr. A. Lal Chakraborti

....for the respondent

1. Present petition has been filed challenging the order of the learned District Judge, Barasat in Misc. Case no. 24 of 2021 whereby the operation of a further proceeding in Matrimonial Suit no. 781 of 2016 pending before the learned 2nd Additional District Judge, Fast Track Court at Barrackpore, North 24 Parganas was stayed. The petitioner, being aggrieved by this, filed the present petition.
2. This Court vide order dated 18th February, 2021 passed the following orders :-

“For a period of four months or until further orders whichever is earlier, there

shall be stay of all further proceedings in Misc. Case No. 24 of 2021 pending before the learned District Judge, Barasat, District North 24 Parganas. The Misc. Case arises out of Mat Suit No. 781 of 2016 which was going on before the learned Additional District Judge, 2nd FTC, Barrackpore, North 24 Parganas.

This court in C.O. 143 of 2021 had passed an order of stay of the orders dated January 4, 2021 and January 12, 2021, passed by the learned Additional District Judge, Fast Track 2nd Court at Barrackpore for a period of six months with a further direction upon the opposite party to pay Rs.6000/- per month as maintenance pendente lite and with the liberty to the learned court below to proceed with the hearing of the review application filed by the wife. By an ex parte order, all proceedings in the Matrimonial Suit has been stayed by the learned District Judge, North 24 Parganas which amounts to even, in effect, staying a part of the order passed by this court.

It is intimated to the court that the review application was fixed for hearing on February 11, 2021, but in view of the above order passed by the learned District Judge, the same could not be heard.

It is further submitted that the maintenance as directed by this court to be paid every month @ Rs.6000/-, has not been paid as yet for the month of February, 2021.

Petitioner is directed to serve a copy of the revisional application along with the server copy of this order upon the opposite party. Affidavit of service to be filed on the next date.

Let this matter appear for hearing on May 3, 2021 at 2 pm.”

3. Learned counsel for the petitioner / wife has stated that transfer application was moved by the opposite party / husband predominantly on the ground alleging bias against the then Judge.

Learned counsel submits that the then Judge has since been transferred and, therefore, the petition under Section 24 has already become infructuous.

4. I consider that leaving that question open, since the C.O. 143 of 2021 has already been disposed of by this Court, the stay order passed by the learned District Judge vide impugned order is liable to be set aside.

5. It is pertinent to mention that the Matrimonial Suit No. 781 of 2016 is to be disposed of expeditiously. The present petition is disposed of with the following directions :

(i) The proceedings in Matrimonial Suit no. 781 of 2016 pending before the learned 2nd Additional District Judge, Fast Track Court, Barrackpore, North 24 Parganas, shall be conducted expeditiously with all pending applications without granting any unnecessary adjournments to either of the parties;

(ii) The learned District Judge, North 24 Parganas, shall decide the transfer application in Misc. Case No. 24 of 2021 in accordance with law without being influenced by the order of this Court;

(iii) The challenge as to the power of the learned District Judge to stay the proceedings in transfer application is left open.

6. Hence, the petition stands disposed of.

7. Consequently, all pending applications, if any, shall stand disposed of.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)