

Sl.22
12.03.2025
Court No.6
BP

C.O. 888 of 2025

Smt. Siyaa Sodhani @ Ambika Sodhani
-versus-
Yash Sodhani

Mr. Gunjan Shah
Ms. Shreya Agarwal
... for the petitioner

After some argument the learned advocate appearing for the petitioner prays for a direction upon the learned Additional District Judge, 1st Court at Barasat to dispose of the Misc. Case No. 270 of 2023 filed in connection with Matrimonial Suit No. 856 of 2023 expeditiously.

The petitioner herein filed an application under Section 24 of the Hindu Marriage Act praying for alimony pendente lite.

The learned trial judge by an Order being no.9 dated 6th February, 2024 passed an order directing the opposite party herein to pay interim maintenance for the petitioner as well as the minor children. The opposite party herein filed an application being Misc. Case No. 240 of 2024 alleging that the said order was passed without giving him an opportunity of hearing. The learned Additional District Judge, 1st Court at Barasat by an order dated 9th January, 2025 allowed

Misc. Case No. 240 of 2024 thereby setting aside the ex parte order dated 6th February, 2024 passed in Misc. Case No. 270 of 2023 and restored the Misc case to its original file and number.

The learned advocate appearing for the petitioner submits that the husband/opposite party herein has not paid any maintenance and the order directing payment of interim maintenance has been set aside and a direction should be passed upon the learned trial judge to dispose of Misc. Case No. 270 of 2023 expeditiously.

In view of the order sought and proposed to be passed, there is no necessity to issue notice upon the opposite parties. However, the learned advocate appearing for the petitioner shall be obliged to forward a copy of this application along with this order upon the opposite parties or upon the learned advocates representing them before the learned trial judge.

In the light of the submission made by the learned advocate for the petitioner, C.O. 888 of 2025 is disposed of by requesting the learned Additional District Judge, 1st Court at Barasat, North 24 Parganas to fix a date of hearing of the Misc. Case No. 270 of 2023 and to dispose of the same as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

It will also be open to the petitioner to pray for interim maintenance and if such prayer is made the learned Additional District Judge shall consider the same in accordance with law.

However, there shall be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)