

CRR 941 of 2024

Rajib Chakraborty
Vs.
Jhumki Chakraborty

Adv. Soumya Nag,

...for the petitioner.

Adv. Arindam Jana,
Adv. Yuvraj Chatterjee,

...for the op.

The petitioner is aggrieved by the ex pare order passed by the learned Sessions Judge, 6th Court, Alipore on 13th July, 2023 enhancing the amount of interim maintenance payable to the opposite party from Rs.16,000/- per month to Rs.30,000/- per month. Learned counsel for the petitioner submits that at least on two occasions, the hearing was adjourned due to resolution taken by the local Bar “not to pass any adverse order”. A similar resolution was also taken by the local Bar on 13th July, 2023 for which the petitioner was not represented. The petitioner seeks to contest the appeal before the learned appellate Court. He undertakes to continue to pay Rs.30,000/- per month till the appeal is disposed of on merits.

Since the order impugned order was passed without granting an opportunity of hearing to the petitioner, the said order is set aside/quashed subject to the petitioner continuing to pay Rs.30,000/- per month to the opposite party.

The learned appellate Court shall deal with the appeal afresh on merits upon granting reasonable opportunity of hearing to both the parties and shall endeavour to dispose of the same as expeditiously as possible.

It is made clear that this Court has not gone into the merits of the case and the learned appellate Court shall be at liberty to deal with the appeal independently, in accordance with law.

CRR 941 of 2024 is disposed of.

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

(Suvra Ghosh, J.)