

Sl. 32
19.03.2025
Court No.6
BP

C.O. 959 of 2025

Sri Asish Koley
-versus-
Smt. Munmun Koley @ Das

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Ms. Rajashree Tah
Ms. Aishwarya Datta
Ms. Bidisha Chakraborty
Ms. Sadia Parveen
... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the husband and is directed against an order being no. 29 dated January 29, 2025 passed by the learned Additional District Judge, 4th Court at Purba Bardhaman in Misc. Case No. 10 of 2023 arising out of Matrimonial Suit No. 43 of 2022.

By the order impugned the application under Section 24 of the Hindu Marriage Act filed by the wife/opposite party herein was allowed by directing the husband/petitioner herein to pay Rs. 8,000/- per month within the seventh day of each succeeding English calendar month as alimony pendent lite with effect from 14th January, 2022.

Mr. Chattopadhyay, learned advocate appearing for the petitioner submits that the petitioner could not file the affidavit of assets as the learned senior

advocate at the relevant point of time was admitted in Apollo Hospital at Chennai and subsequently expired.

For such reason, the learned advocate for the petitioner submits that an opportunity be given to make an appropriate application before the learned trial judge in this regard.

In view of such submission made by the learned advocate for the petitioner, C.O. 959 of 2025 is disposed of by giving liberty to the petitioner to file an appropriate application in this regard. If such application is filed the learned trial judge is requested to dispose of the same by passing a reasoned order after giving an opportunity to the opposite party to file a written objection to the same and after hearing the respective parties.

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.)