

AD -38
Ct No.10
14.07.2025
(SSS)

FMAT 244 of 2025
With
CAN 1 of 2025
With
CAN 2 of 2025

Samiran Das
Vs.
Supriti Mahanti

Mr. Satrajit Sinha Roy,
Mr. Supriyo Ghosh,
Ms. Susmita Adhikari
....For the appellant.

Ms. Supriti Mahanti
....For the respondent.
(appearing in person)

1. Heard learned Counsel appearing for the appellant as well as the respondent, appearing in person with the leave of the court. The respondent, at the outset, points out that the appeal has been preferred against an order disposing of an interim alimony application.

2. Learned Counsel for the appellant seeks to impress upon us that the impugned order is in the nature of a permanent order of alimony.

3. We find from the impugned order dated September 25, 2025 that thereby, irrespective of the nomenclature of the application, the trial court disposed of an application for alimony *pendente lite*

and directed the respondent therein (the present appellant/husband) to pay alimony to the wife at the rate of Rs. 9,000/- per month within the tenth of each succeeding month *till disposal of the matrimonial suit*.

4. Hence, it is evident that the matrimonial suit is still pending and the “final disposal” referred to by the appellant was only the final disposal of the alimony *pendente lite* application. Hence, the impugned order is not appealable, since only an order of permanent alimony is appealable in law.

5. Accordingly, FMAT 244 of 2025 is not maintainable in the eye of law at all.

6. It is pointed out to us that the appeal is time-barred, and an application for condonation of delay in preferring the same, bearing CAN 2 of 2025, is also pending before us.

7. However, in view of the appeal not being maintainable in the eye of law, there is no question of further adjudication of the condonation application or the stay application, bearing CAN 1 of 2025, filed in connection with such appeal, on merits.

8. Hence, FMAT 244 of 2025 is dismissed as not maintainable.

9. CAN 1 of 2025 and CAN 2 of 2025 stand consequentially disposed of as well.

10. There will be no order as to costs.

11. Nothing in this order shall preclude the appellant from preferring an appropriate challenge against the alimony order, subject to limitation, if the appellant is otherwise so entitled in law.

12. The learned Advocate-on-record for the appellant is at liberty to take back the certified copy of the impugned order, upon furnishing a photocopy of the same for the records.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)