

Court No. 6

(265719)

17.09.2025

(AD 16)

(S. Banerjee)

CO 3394 of 2025

Chanchal Purkayastha

Vs.

Sharmistha Purkayastha

Mr. Sukanta Chakrabarty

Ms. Nupur Chakraborty

Mr. Shaondeep Chakraborty

Mr. Ronit Deyashi

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the husband praying for a direction upon the learned Additional District Judge, 4th Court at Alipore to dispose of the interlocutory applications filed in Matrimonial Suit No. 56 of 2016 expeditiously.

Mr. Chakrabarty, learned advocate appearing for the petitioner submits that the wife/opposite party has filed an application for enhancement of alimony. He further submits that the husband/petitioner herein has filed an application praying for diminishing the amount of alimony pendente lite on the ground that the wife/opposite party herein has not complied with the directions passed in an Act VIII proceeding. He further submits that the petitioner filed another application praying for calculating the

arrear amount of alimony which is also pending. He further submits that another application has been filed by the petitioner/husband praying for fixing separate dates for hearing of the interlocutory applications and the matrimonial suit. He further submits that the petitioner/husband has filed another application for cross-examining the wife/opposite party on the issue of rental income of the wife/opposite party.

In view of the fact that the interlocutory applications arise out of the matrimonial suit and the interlocutory applications have a bearing on the hearing of the matrimonial suit, separate dates for hearing of the interlocutory application and the matrimonial suit, cannot be fixed and it is only after the interlocutory applications are disposed of, the hearing of the matrimonial suit can be taken up.

With the above observation, the application filed by the husband/petitioner praying for fixing separate dates for hearing of the interlocutory application and the matrimonial suit, stands rejected.

In view of the order sought and proposed to be passed, there is no necessity to direct issuance of any notice upon the opposite party. However, the learned advocate-on-record of the petitioner shall be obliged

to forward a copy of this application along with this order, upon the opposite party or upon the learned advocate representing the opposite party before the learned trial judge.

Mr. Chakrabarty, learned advocate appearing for the petitioner submits that all the aforesaid interlocutory application are fixed for hearing on November 12, 2025. He further submits that the said applications are otherwise ready for hearing.

In the light of the submission made by the learned advocate appearing for the petitioner, CO 3394 of 2025 stands disposed of by requesting the learned Additional District Judge, 4th Court at Alipore to take up the hearing of the pending interlocutory applications, excepting the one which has been dismissed by this order, on the next date fixed, if the same are otherwise ready for hearing.

After disposal of the interlocutory applications and subject to the condition that the husband/petitioner liquidates the entire amount of arrear alimony and is not in default in payment of the current alimony as per the orders of the competent court of law, the learned Additional District Judge, 4th Court at Alipore shall make an endeavour to dispose of the matrimonial suit as expeditiously as possible,

but preferably within a period of one year from the next date to be fixed for hearing of the matrimonial suit, without granting any unnecessary adjournment to either of the parties.

(Hiranmay Bhattacharyya, J.)