

S/L 10
29.10.2025
Court No.01
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IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction

C.O. 188 of 2025

Bishwajit Roy
Vs.
Jaya Roy

Mr. Kunaljit Bhattacharjee,
Mr. Alok Sah,
Ms. Rajashree Mukherjee
... for the Petitioner.

The order proposed to be passed in the present application under Article 227 of the Constitution of India would not cause any prejudice to the opposite party, as such service of notice upon the said opposite party is dispensed with.

The parties are husband and wife. The husband, the petitioner herein has filed the Matrimonial Suit No. 189 of 2023 pending before the 3rd Court of learned Additional District Judge at Cooch Behar for dissolution of his marriage with the opposite party by a decree of divorce.

The petitioner is complaining inordinate delay in disposal of the said suit.

Learned advocate for the petitioner submits that the respondent, on April 02, 2024 had filed an application for alimony *pendente lite* under Section 36 of the Special Marriage Act, 1954. The said application has been registered before the learned Trial Judge as Misc. (Judicial) Case No. 11 of 2024, but has not yet been disposed of though the petitioner has already filed written objection to it.

Photocopy of the orders passed in the said Misc. case are filed and are taken on record.

Having heard the learned counsel for the petitioner and on perusal of the record, it appears that the application for alimony *pendente lite* is still

pending; without disposal of it, the suit cannot be proceeded with.

An application under Section 36 of the said Act of 1954 in terms of the proviso appended thereto is required to be disposed of within 60 days from the date of service of notice of the said application. The said time has already expired.

The learned Trial Judge is requested to dispose of the said Misc. (Judicial) Case No. 11 of 2024 as expeditiously as possible, preferably within a period of six weeks from the date of communication of this order and in doing so, shall not grant any unnecessary adjournment to either of the parties.

The petitioner is obliged to communicate this order to the opposite party within a period of one week from date.

C.O. 188 of 2025 is disposed of with the above terms without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance of all requisite formalities.

(Biswajit Basu, J.)