

Matrimonial Suit No. 166 of 2014
CNR No. WBCB01-003165-2014

Present : Subrata Ch. Polle,
District Judge, WB01273.

17
22/08/2023

Today is the date fixed for framing of issues.

The interim order of stay of all further proceedings of the present case passed on 11/05/2023 in C.O. No. 34 of 2023 ceased to exist.

Learned counsel for the respondent-wife has submitted that there is no order of stay as on this date in respect of the present matrimonial suit. Learned counsel for the husband / petitioner also submits that there is no order of stay of the present proceedings as on this date.

In the case of **Asian Resurfacing of Road Agency (P) Ltd. -versus- CBI** reported in **(2018) 16 SCC 299**, the Hon'ble Supreme Court has been pleased to hold as follows :-

"37.In all pending matters before the High Courts or other courts relating to the PC Act or all other civil or criminal cases, where stay of proceedings in a pending trial is operating, stay will automatically lapse after six months from today unless extended by a speaking order on the above parameters. Same course may also be adopted by civil and criminal appellate / Revisional Courts under the jurisdiction of the High Courts. The trial courts may, on expiry of the above period, resume the proceedings without waiting for any other intimation unless express order extending stay is produced."

Bearing in mind the solemn observation, and in absence of any express order of stay of all further proceedings of the present suit, there appears to be no bar to proceed with the case as on this date. The case has been instituted in the year 2014, and the same is pending for more than 8 years.

In light of the aforesaid facts, both contesting parties are directed to communicate the solemn order / direction of the Hon'ble Court to avoid further multiplicity of the proceedings and for due compliance of the same in its true letter and spirit.

Accordingly, considering the facts stated above, and on consent of the contesting parties, issues are framed in a separate sheet.

Fix **15/09/2023** for evidence of the petitioner.

However, it is made clear, in the event, the Hon'ble Court is pleased to extend the order of stay of the further progress of the present case, then, no evidence will be recorded on the above date.

Learned counsels of the contesting parties are directed to produce / communicate the solemn direction of the Hon'ble Court without any delay to ensure strict compliance of the same in its true letter and spirit

Inform accordingly.

Sd/- S.C.Polle
District Judge
Cooch Behar