

**JO Code No.WB00885
Mat Suit 779 of 2018**

Order No. 83 dated: 04-07-2023

Today is fixed for appearance of the parties and for written statement by the respondent.

Both parties file hazira.

The Ld. Counsel for the respondent invites the attention of the court towards the written statement that he has already filed on 07-09-2018. The Ld. Counsel for the respondent also files server copies of two orders of the Hon'ble Court being order dated 06-06-2023 in CO No.1390 of 2023 and order dated 27-01-2021 in CO No. 129 of 2021.

Perused the same as well as other materials on record.

The order dated 06-06-2023 in CO No.1390 of 2023 demonstrates that the amount of alimony pendenti lite has been modified from Rs.35,000/- to Rs.30,000/- per month. The respondent is directed to make payment of alimony pendenti lite in accordance with the direction passed by the Hon'ble Court in terms of the such order.

The Ld. Counsel for the respondent also invites the attention of this court towards order dated 27-01-2021 in CO No.129 of 2021 whereby the Hon'ble Court had directed this court to dispose to Misc Case 56 of 2019, as expeditiously as possible, preferably within a period of two months from the next date, fixed upon hearing an opportunity to the concerned parties to contest the same. The Hon'ble Court further directed that the Mat Suit be disposed of expeditiously, after compliance of the order for payment in Misc Case No.56 of 2019.

Misc Case 56 of 2019 was disposed of by this court on 22-03-2023. Apparently, the present respondent preferred revision against the concerned order and the Hon'ble Court was pleased to modify the award of alimony pendenti lite from Rs.35,000/- to Rs.30,000/-, but did not alter the litigation cost. As such, the direction of the Hon'ble Court, first installment of arrears was to be paid within 15-06-2023 and thereafter each installment is to be paid within the 7th day of every succeeding month. No money receipt is forthcoming on record wherefrom it may be said that the first installment of arrears of maintenance has been paid, or that for matter, the regular maintenance has been paid for the first month.

Be that as it may, considering the mandate of the Hon'ble Court to dispose of the Mat Suit expeditiously, this court is inclined to proceed with the trial. Issues have already been framed and the P.W 2 has been examined and cross-examined in part.

Fix 08-08-2023 for further cross-examination of P.W 1 as last chance.

Dic. & correct by me

A.D.J.

**Addl. District Judge,
3rd Court, Howrah.**