

14.01.2021
Sl. No.21
srm

C.O. No. 68 of 2021
Tirtha Sarathi Adhikary
Vs.
Soma Adhikary

Mr. Anirban Guha Thakurta,
Mr. Arka Banerjee

...for the Petitioner.

An arguable case has been made by the petitioner, who is the husband in Matrimonial Suit No.343 of 2015. The petitioner is aggrieved by the order dated February 28, 2020 passed by the learned Additional District Judge, Fast Track, 2nd Court, Howrah in Misc. Case No.98 of 2015 arising out of the said matrimonial suit, which is a proceeding under Section 36 of the Special Marriage Act. The Misc. Case was allowed with a direction upon the husband to pay Rs.10,500/- per month excluding Rs.1,200/- awarded under Section 125 of the Code of Criminal Procedure.

Prima facie, I find that the learned Court below has made an observation in the order that since 2017 the petitioner has not been getting any salary due to his absence owing to health reasons. The *prima facie* evidence that the petitioner is suffering from cancer is also on record.

There shall be stay of order dated February 28, 2020 as also stay of all further proceeding in Matrimonial Suit No.343

of 2015 for a period of five months or until further orders whichever is earlier.

In the interim period, the petitioner shall continue to pay Rs.4,000/- every month including the amount, as directed by the learned Criminal Court, until further orders or until the disposal of the revisional application whichever is earlier.

List this matter in the Daily Supplementary Cause List on **April 8, 2021** at **2.00 p.m.** under the heading "**Hearing**".

The learned Advocate-on-record for the petitioner is directed to serve a copy of the revisional application upon the opposite party along with a server copy of this order.

Affidavit of service to be filed on the next date.

(Shampa Sarkar, J.)