

7
SB

18.07.2022
Ct. No. 8

F.A.T. 73 of 2020
with
CAN 1 of 2020
+
CAN 2 of 2020

Rita Dey @ Bobby
Vs.
Subrata Dey

Mr. Tanmoy Mukherjee
Mr. Amal Kr. Saha
Ms. Iresh Paul
Mr. Souvik Das
Mr. K. Rihan Ahmed
Mr. Rudranil Das
Mr. S. Panda ... for the appellant

Mr. Sanjoy Mukherjee
Mr. Saurav Chaudhuri ... for the O.P.

The disclosure affidavit filed by the appellant in terms of the judgement of the hon'ble Supreme Court in the case of ***Rajnish vs. Neha*** reported in ***(2021) 2 SCC 314*** is taken on record. However, no affidavit is filed by the husband.

Learned counsel appearing on behalf of the husband has fairly submitted that the said affidavit is not in the prescribed form given in the aforesaid judgment as enclosure-I.

Considering the affidavit of assets and liabilities disclosed by the wife and also having taken into consideration the submissions made by the learned advocates for the parties that there is a fair chance of settlement between the parties, we direct the respondent / husband to pay a further sum of Rs.1 lakh within two weeks from date subject to further order that may be passed in the pending proceeding. It is recorded that the husband has already paid a sum of Rs.1 lakh in terms of the order dated 4th July, 2022.

Let the matter appear in the list five weeks hence.

In the event, the settlement is arrived at between the parties, the same may be filed before the next date of hearing so that the said application is taken up along with the appeal.

We make it clear that in the event, no settlement is reached by and between the parties by the adjourned date the appeal shall be taken up for hearing on the next date and no adjournment shall be granted to the parties on the next date of hearing.

Mr. Saurav Chaudhuri, learned advocate is appearing on behalf of the opposite party. Therefore, formal service of notice of appeal on the opposite party is dispensed with and the appeal is treated as ready as regard service by appearance.

We call for the lower Court's record through a special messenger at the cost of the appellant and such cost is to be put in within two weeks from date.

Immediately after arrival of the lower court's record office shall examine the same and, if found complete, shall serve notice of arrival of lower court's record on the learned advocate for the appellant at once.

The appellant is given liberty to prepare and file requisite number of paper books-printed, typewritten or cyclostyled, as the case may be – within a period of four weeks from the date of service of notice of arrival of lower court's record on the learned advocate for the appellant.

Liberty to mention the appeal for early hearing after the same becomes ready.

The application being CAN 1 of 2020 is disposed of.

Re : CAN 2 of 2020

An interim order was passed on 9th June, 2022 in respect of CAN 2 of 2020 shall continue till the disposal of the appeal.

The informal paper book shall contain the affidavit of assets and liabilities by the appellant and to be filed by the respondent

The application being CAN 2 of 2020 is disposed of.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)