

22.08.2024
(D/L-4)
Ct. No.4
(Naba)

F.A.T. 73 of 2020

**Smt. Rita Dey @ Bobby
Vs.
Subrata Dey**

Mr. Tanmoy Mukherjee,
Mr. Amal Kr. Saha,
Mr. Tapas Chatterjee,
Mr. K.R. Ahmed,
Mr. S. Santra.

... for the Appellant

Mr. Sourav Chaudhuri,
Mr. Arghadip Das.

... for the Respondent

1. Heard the learned counsel for the appellant as well as the learned counsel for the respondent.
2. The matter had been referred to mediation by the earlier order. Mediation having failed, the same has come back for adjudication.
3. The order-sheet reveals that way back on 18.07.2022, there was a direction for bringing the lower court records and for preparation of paper books. Pursuant thereto the learned counsel for the appellant has deposited the special messenger cost and we find that the department has taken steps for bringing the trial court records but the same does not appear to have been sent/received till date.

4. In view of such circumstance, we direct the **Department** to immediately take steps for bringing the lower court records by issuing a reminder to the concerned court for transmitting the records within a fortnight from the date of receipt of the reminder.
5. The earlier order regarding preparation of paper books in terms of the directions contained in the order dated 18.07.2022, shall thereafter be complied with by the learned counsel for the appellant so as to facilitate final adjudication of the appeal expeditiously.
6. The matter to come back for consideration under the heading “**For Hearing**” after **6 (six) weeks**.
7. It is submitted by the learned counsel for the appellant that during currency of the divorce proceeding, the wife was being paid an amount of Rs.15,000/- per month as maintenance. Subsequent to filing of the appeal, an amount of Rs. 1 lakh has been paid twice to the appellant/wife, the last being in 18th July, 2022. The learned counsel for the appellant submits that since the maintenance has not been paid since November, 2019, some amount shall be paid to the appellant so as to enable her to effectively participate in the proceedings.

8. Considering the said submission, we direct the respondent to pay to the appellant an amount of Rs.1 lakh within a month from date.
9. The said payment shall be subject to any further order/orders that may be passed in the present proceeding.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)