

25.08.2025

Item no.DL 12
Court No. 10

Asraf, A.R.(Ct.)

In the High Court at Calcutta

Civil Appellate Jurisdiction

Appellate Side

Case No. **FAT 73 of 2020**
with
CAN 3 of 2025

In the matter of :

SMT. RITA DEY alias BOBBY

.... Appellant

VS.

SUBRATA DEY

....Respondent

For the Appellant :

Mr. Amal Kumar Saha

Mr. Iresh Paul

Mr. Shivam Debnath

....Advocates

For the Respondent :

Mr. Saurav Chaudhuri

....Advocates

1. When the matter is taken up for hearing, it is submitted by learned counsel for the appellant / wife that the respondent / husband has not yet complied with the order dated August 5, 2025 passed by a co-ordinate Bench directing the respondent / husband to pay a sum of Rs.1 lakh.
2. Learned counsel for the respondent / husband submits that on every occasion when the matter is coming up before this Court, different Benches have been directing the respondent / husband to pay a lumpsum amount of Rs.1 lakh on ad hoc basis. This is the fourth such order, it is submitted, when such an amount has been directed to be paid by the respondent / husband.

It is pointed out that the respondent / husband has complied with all the previous directions of the Court to that effect, paying a total amount of Rs.3 lakhs till date, except the last payment.

3. Upon going through the records, we find that despite no application for alimony having been filed previously, several orders have been passed by different Benches directing the respondent / husband to pay ad hoc amounts of Rs.1 lakh on each occasion, totalling to Rs.4 lakhs till date. Out of that, the respondent / husband has already paid Rs.3 lakhs.
4. Learned counsel for the respondent / husband submits that he is equipped with necessary documents to show that after the order dated August 5, 2025 was passed, directing the respondent / husband to pay another tranche of Rs.1 lakh, the respondent's father was detected to have Cancer and is now suffering from the said disease. The huge costs of his treatment have prevented the respondent, it is submitted, from paying off the last-directed amount of Rs.1 lakh.
5. Be that as it may, in the absence of any recalling application or challenge to the order dated August 5, 2025, it is the incumbent duty of the respondent / husband to comply with the order of the court by paying the last instalment of Rs.1

lakh on an ad hoc basis, irrespective of the alimony application having been filed only in the year 2025.

6. However, we are also of the opinion that the appellant / wife cannot take advantage of the pendency of the appeal and not get it ready for hearing for a prolonged period on the one hand and, on the other, taking the advantage of successive orders of the Court on different occasions directing the respondent / husband to pay lumpsum amounts of Rs.1 lakh.
7. Thus, to strike a balance, we direct the pending applications to be listed for hearing along with the final hearing of the appeal itself in the monthly list of November, 2025. The appellant / wife shall prepare and file the requisite number of paper books mandatorily within September 19, 2025 and serve a copy thereof on the learned advocate for the respondent / husband.
8. The respondent / husband shall positively pay the amount of Rs.1 lakh as directed vide order dated August 5, 2025 to the appellant / wife within September 26, 2025. Liberty is granted to the appellant to mention the matter in the event such payment is not made by the respondent.

9. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Court.
10. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)