

Sl.34
16.04.2025
Court No.6
BP

C.O. 940 of 2025

Sanjoy Bhowmick
-versus-
Tumpa Bhowmick

Mr. Siva Prasad Ghose
..for the petitioner

Mr. Ghosh, learned advocate appearing for the petitioner submits that though the Misc. case under Section 24 of the Hindu Marriage Act was filed on June 28, 2018 but the summons in connection with the said Misc. case was served upon the petitioner sometimes in the year 2022.

Mr. Ghosh, learned advocate appearing for the petitioner submits that the wife/ opposite party herein did not take prompt steps for service of summons in the Misc. case upon the opposite party. Therefore, he submits that the petitioner is not liable to pay alimony with effect from the date of filing of the miscellaneous case and any direction for payment of alimony should be effective for the date of filing of the application.

After hearing Mr. Ghosh, learned advocate appearing for the petitioner, this Court is not inclined to interfere with the quantum of maintenance fixed by the learned trial judge. However, after going through

the order-sheet appended to this application, this Court is of the prima facie view that though the Misc. case was initiated in the year 2018 but the summons was served long thereafter.

The question that arises for consideration is whether the petitioner should be directed to pay alimony with effect from the date of filing of such application if the delay in serving summons/notice of the Misc. case is attributable to the wife/opposite party who is the applicant in the Misc. case.

The petitioner is directed to serve a copy of this application upon the wife/opposite party by registered speed post with acknowledgement due and file an affidavit of service on the next date.

It is, however, made clear that the revisional application will be heard only on the issue as to from which date the petitioner shall be liable to pay alimony and not with regard to the quantum of alimony fixed by the learned trial judge.

However, since it prima facie appears from the order-sheet appended to this application that the service upon the petitioner was held to be satisfactory by the order dated 17th August, 2022, the petitioner is directed to liquidate the entire arrears at the rate fixed by the learned trial judge with effect from 17th August, 2022 till date after making the adjustments

of the payment already made in terms of the direction passed by the learned trial judge.

There shall be an order of stay of operation of the order directing payment of alimony for the period prior to 17th August, 2022 till the end of July, 2025 or until further orders whichever is earlier.

There shall be an order of stay of all further proceedings in the Matrimonial Suit No. 6 of 2013 pending before the learned Additional District Judge, 1st Court at Barsat till the end of July, 2025 or till the entire arrear of alimony as per the aforesaid direction is paid, whichever is earlier.

List this matter under the heading “Contested Application” in the Monthly List of June, 2025.

(Hiranmay Bhattacharyya, J.)