

12th August,
2025
(AK)
17

F.A. 304 of 2025
IA No: CAN 1 of 2024

Sri Utpal Kar
Vs.
Smt. Malabika Patra

Mr. Gobinda Chandra Baidya
...for the appellant.

1. The present appeal arises out of a decree of divorce obtained by the respondent-wife.
2. Since questions of both facts and law are involved in the appeal, the same is required to be heard on merits.
3. Although the present application has been filed for stay of operation of the impugned judgment and decree, since the said judgment is in the nature of a judgment in *rem*, we are loath to pass a blanket stay of operation.
4. However, in order to save the appeal from being rendered infructuous, we restrain the respondent-wife from contracting any remarriage, if not already done, during pendency of the present application.
5. The appellant shall serve a copy of the application on the respondent, indicating that the application shall be listed for hearing next on September 15, 2025.

6. Affidavit-in-opposition, if any, shall be filed within a fortnight from date. Reply, if any, shall be filed within a week thereafter.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)