

09.09.2020
SL No.13
KS

IA No:CAN 1of 2020 (Old No.CAN 5002 of 2020)

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W.P.A. No.6398 of 2020

Smt. Saraswati Mitra

Versus

State of West Bengal & Ors.

(Via Video Conference)

Mr. Ibrahim Shaikh

.....For the Petitioner

Mr. Shantanu Kumar Mitra

.....For the Respondent

This is an application for early hearing which is disposed of by taking up the writ petition for consideration.

CAN 5002 of 2020 is disposed of.

Petitioner complains that, despite an order passed under Section 23 of the Domestic Violence Act, 2005 dated February 5, 2014, the respondent no.4 is disturbing the residence of the petitioner, is trying to throw out the petitioner from her residence, and is not paying the maintenance as directed by the Court. Learned advocate appearing for the petitioner submits that, despite complaints to the police, no action has been taken.

Learned advocate appearing for the respondent no.4 submits that, the respondent no.4 paid all arrears till August, 2020. He submits that, the respondent no.4 is not disturbing the possession of the petitioner.

Learned advocate appearing for the State submits that, the complaint received by the police was registered as a First Information Report (F.I.R.) and that, the investigation with regard thereto is in progress.

It appears from the record made available to Court that, there subsist an order dated February 5, 2014 passed in Misc. Case No.176 of 2013 under Section 23 of the Domestic Violence Act, 2005. By such order, the petitioner was granted the right to reside at the specified property. She was also granted maintenance. According to the respondent no.4, he paid all the maintenance payable to the petitioner. Such issue need not be entered into, at this stage. Petitioner is at liberty to approach the appropriate forum, in the event, maintenance as directed by the order dated February 5, 2014 remains unpaid.

The police will ensure that, no breach of peace occurs at the locale and no harm befalls the life and property of the petitioner.

In view of the aforesaid directions, W.P.A. No.6398 of 2020 is disposed of.

(Debangsu Basak, J.)