

21.10.2020
Item no. 16
Ct. No.13
CHC

**C.R.R. No.1430 of 2020
(Via Video Conference)**

In Re:- An application under Section 482 read with Section 483 of the Code of Criminal Procedure, 1973.

And

In the matter of:-

Suchismita Das

... Petitioner

Mr. Abir Chakraborty,

Mr. Anish Kr. Dey

... for the petitioner

This is an application for expeditious disposal of a pending execution proceeding being M. C. Ex. Case No.106 of 2019 under Section 128 of the Code of Criminal Procedure arising out of Misc.Case No.13 of 2015 under Section 12 read with Section 23(1) of the Protection of Women from Domestic Violence Act, 2005 now pending before the Learned Judicial Magistrate, 3rd Court, Chandannagar.

It is submitted by learned advocate for the petitioner that praying for recovery of Rs.81,000/-, the execution case was initiated, and after entering the appearance in that case, the o.p./husband deposited a meager amount rendering the petitioner to face extreme financial hardship in spite of an order favouring the petitioner to interim monetary assistance.

It is further contended that long pendency of this case has unnecessary put the petitioner to face financial distress, and as such has come before the Court seeking a direction for

expeditious disposal of pending execution case. Since a direction to secure expeditious disposal has been sought for, which in the perception of the Court is innocuous in nature, the same may be considered, without even serving any notice upon the opposite party/husband. The service upon the opposite party is thus dispensed with. When execution proceeding has been initiated in 2019 with a prayer for recovery of Rs.81,000/- being the outstanding amount in connection with interim monetary assistance granted under Section 23 of the proceeding registered under the D.V. Act, the Court is of the view that the direction, as proposed, may be acceded to.

Learned Judicial Magistrate, 3rd Court, Chandannagar in connection with M.C. Ex. Case No.106 of 2019 is directed to dispose of the pending execution case after ascertaining the actual outstanding amount, liable to be recovered by the petitioner from the opposite party, within a period of two months after reopening of Puja Vacation, providing sufficient opportunity of hearing to either of the parties to this case.

With this direction and observation the revisional application stands disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent xerox certified copy of this order if applied for be given to the parties subject to compliance with all requisite formalities.

(Subhasis Dasgupta, J.)