

In the matter of:- Momtaj Khatun

...petitioner

Mr. Abir Chakraborty
...for the petitioner.

This is an application seeking expeditious disposal of a proceeding being Misc. Ex. Case No.243 of 2017 under Section 128 of the Code for execution of arrears of maintenance allowance awarded under Section 125 of the Code presently pending before the learned Additional Chief Judicial Magistrate, Chandannagore, Hooghly.

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner was awarded interim maintenance allowance under Section 125 of the Code by order dated 28.11.2014 in Misc. Case No.180 of 2012 passed by the learned Additional Chief Judicial Magistrate, Chandannagore, Hooghly. The husband/opposite party paid only a meagre sum out of the total sum awarded as arrears of maintenance allowance for which the petitioner had to pass her days in penury. She had filed an application for execution of arrears of maintenance allowance in 2017, but the hearing of the same could not be concluded till date. The husband prayed for adjournments on numerous occasions and even a distress warrant had to be issued against him. Appropriate steps should be taken to secure the attendance of the husband so that the applications for execution of arrears of maintenance allowance can be heard out and finally decided.

I have heard the submissions of the learned Counsel appearing on behalf of the petitioner and have perused the revision petition.

No prejudice will be caused to anyone, if a direction for expeditious disposal is passed in this case.

It appears that there has been a considerable delay in deciding the application for execution of arrears of maintenance allowance awarded under Section 125 of the Code as far back as in 2014.

In view of the above and in the interest of justice, the learned Trial Court is requested to take appropriate steps for ensuring the attendance of the private opposite party and conclude the proceeding as expeditiously as possible without granting any unnecessary adjournment to any of the parties, preferably within a period of four months from the next date of hearing.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)