

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 398 of 2021

Soma Baidya

-vs-

Raju Baidya

For the Petitioner : Mr. G. K. Das

Heard on: 12.02.2021

Judgment on: 12.02.2021

Jay Sengupta, J.:

This is an application seeking an expeditious disposal of Case No. M.Ex 38 of 2018 passed by the Learned Judicial Magistrate, 10th Court, Alipore, South 24 Parganas.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the wife of the opposite party. She was awarded interim maintenance allowance under Section 125 of the Code in Case No. ACM 145 of 2016 at the rate of Rs.3,000/- for the petitioner and Rs.1,000/- for the

minor child per month. The opposite party did not pay the interim maintenance allowances. The petitioner was constrained to file execution case for recovery of arrear maintenance. Although the execution was filed in 2018, till the same had not been disposed of. At least twenty four dates have gone passed. In spite of this, the petitioner has not got the relief she had sought before the learned Executing Court. The opposite party husband would pay a miniscule sum to have a warrant of arrest issued kept in abeyance, off and on. The proceeding has remained pending for no fault of the present petitioner.

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 an expeditious disposal of the proceeding is passed in this case.

It appears that an inordinate delay has been occasioned in the execution case.

The husband not complying with an order awarding maintenance allowance is a serious matter. The wife cannot

be forced to live in penury in spite of being awarded an amount as maintenance allowance.

In view of the above and in the interest of justice, I request the learned executing court to conclude the proceeding in the execution case as expeditiously as possible, preferably within three months from the next date of hearing.

With these observations, the revisional application is disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Jay Sengupta, J.)