

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:

The Hon'ble Justice Jay Sengupta

C.R.R. 762 of 2021
Lakshmi Paul

-vs-

The State of West Bengal

For the Petitioner : Mr. Kallol Mondal
Mr. Krishan Ray
Ms. Amrita Chel
Mr. S. Das
Ms. A. Banerjee

For the Opposite parties : Mr. Ayan Bhattacharjee

Heard on : 18.03.2021

Judgment on : 18.03.2021

Jay Sengupta, J.:

Although this is an application seeking an expeditious disposal of several execution cases filed under Section 125(3) of the Code, learned Counsel appearing on behalf of the wife/petitioner submits that the petitioner would not like to press for the same in

respect of the other Misc. Execution Cases, except Misc. Execution Case no.31 of 2018. She would file separate revisional applications in respect of the other execution cases.

On such prayer, the application is disposed of as not pressed in respect of the other execution cases. However, the petitioner shall be at liberty to file separate revisional applications seeking expeditious disposal of the said execution cases.

Learned Counsel for the petitioner further submits as follows. The original final order of maintenance allowance was passed by the learned Trial Court in 2008. A revisional application was preferred by the petitioner challenging the insufficiency of the maintenance allowance granted. By an order dated 24.06.2010 passed in CRR 1780 of 2008, this Court directed the husband/opposite party to pay to the petitioner maintenance allowance at the rate of Rs.6000/- for the wife and Rs.3000/- for the minor daughter. It was challenged by the husband by way of Special Leave Petition before the Hon'ble Apex Court. By an order dated 20.09.2012 passed in Special Leave to Appeal (Crl) No.7450 of 2010, the Hon'ble Supreme Court was pleased to dismiss the said application. Thereafter, the husband prayed for modification of the order and filed an application under Section 127 of the Code for alteration of the amount granted. The said application is still pending. The wife filed another application for enhancement of maintenance under Section 127 of the Code in 2012. In 2018, the same was

disposed of by the learned Trial Court enhancing the amounts to Rs.6000/- for the wife and Rs.5000/- for the minor daughter. The husband challenged the said order before the learned Sessions Judge. The said proceeding was stayed by this Court at the behest of the wife/petitioner. In the meantime, a lot of arrears had accrued in respect of the maintenance allowance payable to the wife and the child. The petitioner was constrained to file several execution cases in this regard. The present execution case has remained pending since 2018.

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 is passed to expedite the proceeding.

It appears that some delay was occasioned in disposing of the execution case being Misc. Execution Case No.31 of 2018.

In view of the above and in the interest of justice, I request the learned executing Court to dispose of the application 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.

On the prayer of the learned Counsel appearing on behalf of the petitioner, the department is directed to return back the certified copies of orders in respect of the Execution Case No.12 of 2019, 09 of

2019 and 12 of 2020 to the learned Advocate on record of the petitioner upon usual undertakings and upon furnishing photostat copies of the same for the record.

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.)