

26.08.2021
Item no.46
Ct. No.34
CHC

C.R.R. No.1392 of 2018
IA NO: CRAN/1/2018 (Old No: CRAN/2542/2018)
CRAN/2/2018 (Old No: CRAN/2612/2018)
CRAN/3/2018 (Old No: CRAN/3250/2018)

(Via Video Conference)

In Re: An application under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

AND

In the matter of:-

Paltu Kar
... petitioner

Mr. Somnath Gangopadhyay
...for the petitioner

Mr. Somopriyo Chowdhury
...for the o.p. nos.1 and 3

Mr. N. P. Agarwala,
Mr. Pratik Bose
...for the State

Learned advocate for the petitioner as well as for the opposite parties agree to the issue that the opposite party no.3, namely, Prodipto Kar has already joined service in a private company.

According to the learned advocate appearing for the opposite parties, the son is presently aged about 22 years. The point of dispute remains as to the amount, which has been disbursed by the father. While the learned advocate for the petitioner contends that even after attaining majority the father has disbursed amount for maintenance of the child.

Mr. Somopriyo Chowdhury, learned advocate appearing for the opposite parties contends that no such amount was disbursed after the son attained majority.

In view of the peculiar circumstances of the case and admitted fact that simple majority cannot be an issue and it is the duty of both the parents to maintain the child until and unless he is able to primarily establish himself for maintaining himself, the expenses should be borne.

In view of the aforesaid submissions made at the bar, I direct that the learned Magistrate would call for proof of any expenses which were borne by the petitioner pursuant to the son attaining majority.

In case, no payments have been contributed by the petitioner, the learned Magistrate would fix a cut off date till 28th of February, 2020 and come to a finding whether till that date the amount of Rs.5,000/- per month was paid to the son.

In case, learned Magistrate comes to a finding that any amount is due, learned Magistrate will exhaust process of law for recovery of the same. In the alternative, learned Magistrate would come to a finding that there are no dues and would drop any proceeding/execution proceedings so far as it relates to the son.

With the aforesaid observations, C.R.R.1392 of 2018 is disposed of.

Pending applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

Learned Magistrate is directed to dissolve the aforesaid issue by 8th of October, 2021.

Accordingly, this Court feels that the issues should be resolved expeditiously as such both the parties are directed to be present before the court on 10th of September, 2021 for resolving the issue before the learned Magistrate.

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

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Tirthankar Ghosh, J.)