

D/L35.
August
24, 2021
Bpg.

C.R.R. No.3278 of 2019
With
CRAN 4244 of 2019
(Via Video Conference)

Biswajit Dey
Versus
Smt. Tumpa Dey and Anr.

Mr. Shyamal Kr. Pandey,
Mr. Somnath Gangopadhyay.
...for the petitioner.

Ms. Sayanti Santra.
...for the State.

Ms. Sayanti Santra, learned advocate appearing for the State submits a report of the Officer-in-Charge of Kotulpur Police Station which reflects that the service has been effected upon the private opposite party no.1.

Let the report be kept with the record.

Learned advocate for the petitioner draws attention of this Court to the grounds on which the application under Section 5 of the Limitation Act has been preferred.

There is a delay of 431 days, that is, more than a year in preferring the revisional application and as there are no documents substantiating the contention referred to in the application under Section 5 of the Limitation Act, I am not inclined to allow the prayer for condonation of delay.

Accordingly, the application under Section 5 of the Limitation Act being CRAN 4244 of 2019 is dismissed.

Consequently, the revisional application being CRR 3278

of 2019 is dismissed.

However, having regard to the submissions made by the learned advocate for the petitioner that there were no documents before the learned Judicial Magistrate for considering the quantum of maintenance and the petitioner is in possession of such documents to show his earning, I am of the view that the learned Magistrate should fix schedule of dates on each and every month so that trial of the case can be concluded by July 31, 2022.

Urgent photostat certified copies of this order, if applied for, be given to the learned advocates for the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)