

In the matter of:- Moumita Kuili (Paria) ...petitioner

Mr. Asit Kumar Bhattacharya
...for the petitioner

Mr. Apalok Basu,
Mr. Nazir Ahamed
...for the Opposite Party

This is an application seeking expeditious disposal of proceeding under Section 125 of the Code initiated by the petitioner and presently pending before the learned 2nd Judicial Magistrate, Alipore, South 24 Parganas along with three other execution cases in connection with main proceeding.

At this stage, learned Counsel for the petitioner submits that the prayer to expedite the three execution cases is not pressed due to the fact that such prayer can be made only in respect of single proceeding. Accordingly, the revisional application is disposed of as not pressed so far as the prayers to expedite the three execution cases are concerned.

Affidavit of service filed on behalf of the petitioner be kept on record.

Vakalatnama filed on behalf of the opposite party/husband is also taken on record.

Learned Counsel appearing on behalf of the petitioner further submits as follows. The petitioner is the wife of the opposite party no.1.

She was constrained to file an application under Section 125 of the Code in the year 2017. Although a sum was granted by the learned Magistrate as interim maintenance allowance, the opposite party no.1 did not pay the same. That is why the petitioner had to file several execution cases being M. Execution Case No.9 of 2019, M. Execution Case No.652 of 2019 and M. Execution Case No.30 of 2020. The said execution cases have also not been disposed of, despite the fact that by an order dated 8.2.2021 passed in CRR 258 of 2021 a direction was passed to expedite the proceeding in M. Execution Case No.30 of 2020 and conclude the same preferably within four months from the date. In the interest of justice, the main proceeding under Section 125 of the Code may be expedited.

Learned counsel on behalf of the opposite party no.1 submits that although initially there was some irregularity in payment of interim maintenance, the husband is presently paying the maintenance regularly. He has also paid some amount in respect of the execution cases. No delay has been caused by the husband in protracting the proceeding of the cases.

I have heard the learned Counsels for the parties and have perused the revision petition.

It is unfortunate that an application for maintenance allowance under section 125 of the Code is pending since 2017. It appears that even the three execution cases for recovery of arrear maintenance are also pending despite the fact that there was an earlier direction of this Court to expedite the proceeding in the execution case of 2020.

In view of the above and in the interest of justice, the learned

Court is requested to conclude the proceeding in the main cases under Section 125 of the Code as expeditiously as possible without granting any unnecessary adjournment to any of the parties, preferably within a period of six months from the next date of hearing.

It is also expected that the learned Executing Court shall take appropriate measures to dispose of the execution cases expeditiously as well.

With the above 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.)