

30.03.2022.
Court No.13
Item No. 8
ap

**W.P.A. No. 2470 of 2022
(Through Video Conference)**

**Malati Shaw & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Anil Kumar Chattopadhyaya.
...For the petitioners.

Mr. Ansar Mondal,
Mr. Sougata Mitra.
...For the State.

Despite service, the respondent no.4 is not represented. Affidavit-of-service filed in Court today be taken on record.

Under normal circumstances, the Writ Court does not interfere to enforce the order of the Civil Court. However, the facts and circumstances of the instant case are rather unique and different that justify intervention by this Court.

The writ petitioner no.1 is the lawfully wedded wife of the respondent no.4. She claims that the husband has tortured her and has thrown her out of the house.

It is alleged that the husband has also tortured the son and daughters and is on the verge of getting married afresh.

The petitioners have filed a civil suit before the learned Civil Judge (Junior Division) 4th Court, Howrah, being Title Suit No. 149 of 2022. Injunction

has been ordered by the learned Civil Judge (Junior Division) 4th Court, Howrah on 31st January, 2022.

It is submitted that, notwithstanding the above, the police are not assisting in implementation of the order of the Civil Court. The petitioners should have normally approached the Civil Court under Order 39, Rule 2A of the Code of Civil Procedure, 1908.

Although the petitioners otherwise have an effective alternative remedy under the Domestic Violence Act, 2005, this Court is of the view that in the given facts and circumstances of the case, since the Civil Court has found favour with the petitioners, the Officer-in-charge, Domjur Police Station, shall render assistance to the petitioners in entering their house and living therein.

The respondent no.4 shall be warned against throwing out the petitioners by Domjur Police Station.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)