

24.03.2022
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SB
Ct. No.39

CRR 886 of 2022

In the matter of : Mousumi Chakraborty

Mr. Narayan Ch. Mandal
Ms. Mousumi Chatterjee
Mr. Chandan Chakraborty ... for the petitioner

This is an application seeking an expeditious disposal of a proceeding under Section 125 of the Code of Criminal Procedure being Maintenance Case No. 231 of 2017 pending before the learned Judicial Magistrate, Baruipur, South 24 Parganas.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner got married with the opposite party no. 2 in July 2014. In 2015, a daughter was born to the couple. The petitioner was subjected to torture by the husband and the in-laws. In 2017, the petitioner was finally driven out from the matrimonial home by the opposite party 2. She lodged a G.D. entry on the said date. She filed an application for maintenance for herself and her minor daughter under Section 125 of the Code on 24.08.2017. In 2020, the husband filed a show-cause. In spite of this, till date the proceeding under Section 125 of the Code could not be concluded. Even the application for interim maintenance allowance has not been disposed of till date.

I have heard the submissions of the learned counsel for 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 is unfortunate that for an application for maintenance allowance that was filed in the year 2017, till date the question of interim maintenance could not be decided by the learned Trial Court.

In view of the above, and in the interest of justice, I request the learned Trial Court to conclude the proceeding in the main case under Section 125 of the Code as expeditiously as possible without granting any unnecessary adjournment to any of the parties and in particular, to decide the question of interim maintenance at the earliest. Since the next date has been fixed in the month of May 2022, it is directed that by preponing the next date of hearing to any day in the month of April 2022, the learned Trial Court shall decide the question of grant of interim maintenance to the wife and the child within two months from such date.

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.)