

In the matter of:- Nirupama Biswas

...petitioner

Ms. Sharmistha China.

...for the petitioner.

This is an application seeking an expeditious disposal of an appeal being Criminal Appeal No.16 of 2018 under Section 29 of the Protection of Women from Domestic Violence Act pending before the learned Sessions Judge, Barasat, North 24-Parganas.

Learned Counsel appearing on behalf of the petitioner submits as follows. Interim relief was granted to the petitioner under the provisions of the Protection of Women from Domestic Violence Act. But, the husband did not pay the maintenance allowance. This prompted the petitioner to file an execution case being Execution Case No.17 of 2017 before the learned Executing Court. The husband preferred an appeal and by an order dated 29.03.2018, the learned Appellate Court simply stayed the operation of the impugned order passed in the execution case. Consequently, the petitioner has not received any maintenance since March, 2018. Several dates were fixed before the learned Appellate Court, but the appeal could not be disposed of. The matter has remained pending for no fault on the part of the present petitioner.

I have heard the submissions of the learned counsel appearing on behalf of the petitioner and have perused the revision petition.

No prejudice will be caused if a direction is passed to expedite the proceeding in the appeal.

It appears that an inordinate delay has been occasioned in disposing of the appeal which relates to an order passed in an execution case for recovery of arrears of maintenance allowance granted to the wife.

In view of the above and in the interest of justice, the learned Appellate Court is requested to conclude the proceeding in the appeal as expeditiously as possible without granting any unnecessary adjournment to any of the parties, preferably within a period of four months from the next date of hearing.

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.)