

Court No.
39
Item 44
Ssi

C.R.R. 994 of 2021

In the matter of:- **Lakshmi Paul.**

08.03.
2022

(via video conference)

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das
Mr. Anamitra Banerjee
...for the petitioner

This is an application seeking an expeditious disposal of an execution case filed under Section 125 (3) of the Code of Criminal Procedure being Misc Execution Case No. 5 of 2021 pending before the learned Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur.

Learned counsel for the petitioner submits as follows. The original order of maintenance allowance was passed by the learned trial Court in 2008. A revisional application was preferred by the petitioner challenging the insufficiency of the maintenance allowance granted. By an order dated 24.06.2010 passed in CRR 1780 of 2008, this Court directed the husband/opposite party to pay to the petitioner maintenance allowance at the rate of Rs. 5,000/- for the wife and Rs. 3,000/- for the minor daughter. This was challenged by the husband before the Hon'ble Apex

Court. By an order dated 20.09.2012 passed in Special Leave to Appeal (Crl) No. 7450 of 2010, the Hon'ble Supreme Court was pleased to dismiss the said application. Thereafter, the husband prayed for modification of the order and filed an application under Section 127 of the Code for alteration of the amount granted. The said application is still pending. The wife filed another application for enhancement of maintenance under Section 127 of the Code. In 2018, the wife's application under Section 127 of the Code was disposed of by the learned trial Court enhancing the amounts to Rs. 6,000/- for the wife and Rs. 5,000/- for the minor daughter. The husband challenged the order before the learned Sessions Judge. The said proceeding was stayed by this Court at the behest of the petitioner/wife. In the meantime, a lot of arrears had accrued in respect of the maintenance allowance payable to the wife and the child. The petitioner was constrained to file several execution cases in this regard. The present execution case has remained pending since 2021.

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 to anyone, if a direction is passed to expedite the proceeding.

It appears that some delay was occasioned in disposing of the execution case being Misc. Execution Case No. 5 of 2021.

In view of the above and in the interest of justice, I request the learned executing Court to dispose of the application 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 these observations, the revisional application is disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)