

01.03. 2022
item No.22
n.b.
ct. no. 34

(via video conference)

CRR 1581 of 2019
Trisha Das nee Sarkar
Vs.
Sajal Das

Mr. Milon Mukherjee, Sr. Adv.
Mrs. Manasmita Mukherjee
.. for the petitioner
Mr. Sabir Ahmed
...For the Opposite Party

The revisional application was preferred challenging the order dated 03.04.2019 passed by the Learned Additional Sessions Judge, Second Court, Barrackpore, North 24 Parganas in connection with Criminal Revision No.176 of 2018.

The subject matter of challenge in the said revisional application related to the order dated 30.04.2018 passed by the Learned Judicial Magistrate, 5th Court, Barrackpore, North 24 Parganas in M. Case No.754 of 2017.

Mr. Mukherjee, learned senior advocate appearing for the petitioner is aggrieved by the quantum of interim maintenance awarded as well as the default for paying such maintenance amount.

Mr. Ahmed, learned advocate appearing for the opposite party submits that the opposite party/husband is still willing to stay with his wife.

I have considered the reasons so assigned by the Learned Magistrate as well as the Learned Sessions Court in respect of the quantum so awarded. In view of the submissions advanced by the

learned advocate for the petitioner that the petitioner is an employee of State Bank of India, I direct the learned Magistrate to adhere to the judgment of the Hon'ble Supreme Court in the case of **Rajnish Vs. Neha** thereby asking parties to file fresh affidavit of assets.

Learned Magistrate should take all endeavour to complete the trial of the case within a reasonable period preferably by December, 2022.

So far as the issues relating to dues are concerned, as has been submitted by Mr. Mukherjee, learned advocate for the petitioner, it is directed that if an execution case is filed by the petitioner, the learned Court would take steps for disposing of the same within a period of 60 days after taking into consideration, till date Mr. Ahmed's client has paid a amount of Rs.1,00,000/- by way of Draft and also a sum of Rs.30,000/- before the Learned Trial Court.

Learned Magistrate would consider the quantum so approved and consider the execution case in its proper perspective.

Mr. Ahmed, learned advocate for the opposite party submits that the husband/opposite party is willing to stay with the petitioner/wife which is countered by the learned advocate appearing for the petitioner and according to her this is a belated plea and there was no touch between the petitioner and the opposite party. However, the Learned Magistrate would ask the parties if they intend to go for mediation and accordingly, if required will keep the scope open for availing such option.

With the aforesaid observations, CRR 1581 of 2019 is disposed of.

All pending connected applications, if any, are consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)