

05.08.2022
Item No.183.
M/L.
Mithun
Ct.42

CRR 2310 of 2022

Hani Shresth
Vs.
Rajni Shresth nee Thapa & Anr.

Mr. Bhagbat Choudhury, Adv.
Mrs.Mousumi Arji, Adv.

...for the petitioner.

An ex parte order of maintenance granted in favour of the wife of the private opposite party is assailed in the instant revision by the petitioner/husband on the ground that he did not get any opportunity to place his case and contest the said application in spite of filing of the written objection.

It appears from the record that the application under Section 125 of the Code of Criminal Procedure was disposed of ex parte by the learned Judicial Magistrate, 6th Court at Sealdah vide order dated 13th April, 2022 in maintenance Case No.41 of 2018.

The remedy of the petitioner lies in filing the application before the Trial Court for setting aside the ex parte order of maintenance. The petitioner cannot straightway challenge an ex parte order

under Section 125 of the Code of Criminal Procedure invoking the revisional jurisdiction.

In view of such circumstances, I do not any merit in the revision and accordingly the instant revision is summarily dismissed.

The above order, however, does not preclude the petitioner to file an application for vacating of the ex parte order passed by the learned Judicial Magistrate, 6th Court at Sealdah on 13th April, 2022 in maintenance Case No.41 of 2018, subject to a law of limitation.

(Bibek Chaudhuri, J.)