

08.03.2022
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AB
Ct. No.39

CRR 2372 of 2021

In the matter of : Mrs. Anju Das

Mr. Shubham Gupta
Mr. Abhijit Ray ... for the petitioner

Mr. Imran Ali
Mrs. Debjani Sahu for the State

This is an application seeking an expeditious disposal of a proceeding in an execution case for recovery of arrears of maintenance allowance granted under Section 125 of the Code.

Affidavit of service filed on behalf of the petitioner is taken on record. It appears that the private opposite party/husband refused to accept notice. This amounts to good service.

The State is represented.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the wife of the opposite party No. 2. She was constrained to file an application under Section 125 of the Code praying for maintenance allowance for herself and her minor daughter. At present the daughter has attained majority. A sum of Rs.1,000/- each was granted as final maintenance allowance for the wife and the minor child at that point. Since the husband did not pay the sums, the wife was compelled to file execution cases for recovery of the arrears of maintenance allowance. The present Execution case was filed by the petitioner in 2008. Several dates went past. A warrant of arrest came to be issued against the petitioner. But, no further steps were taken.

Learned counsel appearing on behalf of the State submits that the State would not come in the way if a direction is passed for an expeditious disposal of the proceeding.

I have heard the submissions of the learned counsels appearing for the petitioner and the State and have perused the revision petition.

It appears that the execution case has been pending since 2008. Merely issuing warrant of arrest would not be of much help unless further steps are taken to ensure attendance of the accused.

It is not a fact that the private opposite party No. 2 cannot be reached at all. From the endorsement in the envelope for the notice sent by the petitioner in this case, it is apparent that the private opposite party is available at the address mentioned in the application.

In view of the above and in the interest of justice, the learned Trial Court is requested to conclude the proceeding as expeditiously as possible without granting any unnecessary adjournment to any of the parties and by employing all coercive measures to secure the attendance of the accused, 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 copy of this order, if applied for, be given to the parties, upon completion of requisite formalities.

(Jay Sengupta, J.)