

Court No.
39
Item 52
tbsr

23.02.
2022

CRR 2407 of 2021

In the matter of:- Smt. Joyita Bhowmick (Dutta)

Mr. Sujit Bhattacharyya
Mr. Suman Chatterjee
Mr. Ushananda Jana
.....for the petitioner

This is an application seeking an expeditious disposal of an execution case for recovery of arrears of maintenance being Misc. Execution Case No. 90 of 2016 pending before the Court of the learned Judicial Magistrate, 5th Court at Barrackpore, North 24 Parganas.

Affidavit of service filed on behalf of the petitioner is taken on record.

It appears that notice came back with the endorsement unclaimed.

No one appears on behalf of the private opposite party.

From the compliance report filed by the learned Judicial Magistrate through the Registry, it appears that from 09.12.2016 till 14.02.2022 a total sum of Rs. 1,41,000/- had been paid by the opposite party to the petitioner. The case was filed for a total due of Rs. 2,48,000/-. Therefore, dues as on the date of the report i.e., on 19.02.2022 is 1,07,000/-.

Learned counsel for the petitioner submits as follows. The petitioner was granted interim maintenance allowance under Section 125 of the Code of Criminal Procedure. As the opposite party did not pay such amounts, dues are accumulated. As such the petitioner was constrained to file an Execution Case. However, the Execution case as referred

to above remained pending for more than 5 years. Only on one occasion, a warrant of arrest was issued. No steps were not taken to secure the attendance of the other side. The matter has remained pending for no fault of the present petitioner. The petitioner is living her life in penury although a part of the arrears have been paid in the meantime.

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

It is unfortunate that an application for recovery of arrears of maintenance allowance would remain due for more than 5 years.

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 and resorting coercive measure to secure attendance of the other side, preferably within a period of two months of the next date of hearing.

With these 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.)