

04.11.2022
Ct. No.42
Item No.17
P.A (Jaydev)

CRR 3259 of 2022

SUBHA SAMAJDAR
-Vs-
AYANANGSHU SAMAJDAR

For the petitioner: Mr. Sanat Kr. Das, Adv.,
 Mr. Sujan Chatterjee, Adv.

The petitioner is the legally married wife of the opposite party. On 14th December, 2021, the petitioner filed an application under Section 12 of the Protection of Women from Domestic Violence Act (hereinafter described as the said Act) before the learned Additional Chief Judicial Magistrate at Alipore praying for monetary and other reliefs in accordance with law. The said application was registered as AC Case No.2653 of 2021 and presently pending before the learned Judicial Magistrate, 2nd Court at Alipore. In the said proceeding, the petitioner has prayed for interim order of right of residence in shared household, monetary relief and other incidental reliefs. The learned Magistrate vide order dated 15th December, 2021 passed an interim order of right of residence in shared household and the opposite party was directed to show cause as to why the prayer for monetary relief should not be granted. Subsequently, several dates were fixed in the trial court but petitioner's application under Section 23(2) of the said Act for monetary relief has not been heard as yet. Therefore, the petitioner has filed the instant application

praying for a direction upon the trial court for expeditious hearing of the case.

I have heard the learned Advocate for the petitioner. Considering the averment made in the instant application this Court is of the view that the instant application can be disposed of here and now.

It is submitted by the learned Advocate for the petitioner that the parties have already filed affidavits of assets. There is no predicament at this stage to hear out and dispose of the application under Section 23 of the said Act.

It is needless to say that the Protection of Women from Domestic Violence Act was promulgated as an effective measure against domestic violence and for providing speedy relief to the aggrieved person. An aggrieved person being subjected to domestic violence should not be deprived of getting monetary relief from her husband in order to maintain her livelihood according to her status and basic need. Considering such avord object of the Statute and undisputed fact that the application under Section 23(2) of the said Act filed by the petitioner has not been disposed of as yet, the instant application is disposed of directing the learned Magistrate, 2nd Court at Alipore to positively conclude the hearing of the application under Section 23 of the said Act by the next date fixed and dispose of the application by passing a reasoned order within seven days thereafter.

The instant revision is accordingly disposed of.

The parties are at liberty to act on the server copy of the order.

(Bibek Chaudhuri, J.)