

18.01.2023

Item No.24
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 861 of 2021

**Bibhas Nag & Anr.
versus
Priyanka Nag Nee Kundu & Anr.**

The grievance of the petitioners in the present revisional application is that the learned appellate court while considering the appeal under Section 29 of the Protection of Women from Domestic Violence Act, 2005 rejected the application under Section 5 of the Limitation Act and as such, deprived the appellants to address the court on merits.

Records reflect that the subject-matter of appeal related to the order dated 02.02.2019 passed by learned Judicial Magistrate, 6th Court, Sealdah in connection with case No. D.V. 60/17 wherein the learned Judicial Magistrate was pleased to pass an ex parte order. The learned trial court by the said ex parte order directed the husband to pay maintenance of a sum of Rs.4000/- per month for the wife and Rs.4000/- per month for the minor child by way of monetary relief under Section 20 of the Protection of Women from Domestic Violence Act, 2005.

Having considered the date on which the order was passed and more than 42 months have passed, I am of the opinion that interference at this stage would seriously prejudice the proceedings before the learned Judicial Magistrate. Further there has been no persuasion in respect

of the present revisional application before this Court. Considering the totality of the circumstances and the subject-matter for which the revisional application has been filed, I am of the opinion that the same cannot be only restricted to the issue of law relating to Limitation Act.

In view of the observations made above, the revisional application being CRR 861 of 2021 is dismissed.

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.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)