

27.03.2023
Ct. No.34
S/L No.33
KS

C.R.R. 1296 of 2021
F.A.M. Aminuzzaman Chowdhury @ Fama Chowdhury
Vs.
Smt. Momena Chowdhury

The present revisional application has been preferred challenging the order dated 23.10.2019 passed by the learned Judicial Magistrate, 5th Court, Barrackpore in Misc. Case No.464 of 2018.

Records of the revisional application reflect that till date none represents on behalf of the petitioner to pursue the present revisional application.

The subject-matter of the revisional application relates to the disposal of a case under Section 125 of the Code of Criminal Procedure and award an amount of Rs.10,000/- per month being granted by the learned Judicial Magistrate, 5th Court, Barrackpore. The reasons so assigned in the order dated 23.10.2019 is in tune with the evidence which was placed before the learned Court. In spite of service, the husband did not appear before the learned Trial Court. Consequently, the proceedings were disposed of ex parte. If there is any remedy under the law, the same should be invoked before the original Court and the higher court will not ordinarily interfere excepting in exceptional circumstances, petitioner has failed to make out any case in the exceptional circumstances.

Accordingly, it would be fit and proper for the petitioner to approach the learned Judicial Magistrate by invoking the appropriate provisions of law. No interference is called for at this stage.

Thus, the revisional application being, C.R.R. 1296 of 2021 is dismissed.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)