

04.4.2023
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AB
Ct. No.236

CRR 1476 of 2010

In the matter of : Smt. Anita Upadhyay

Mr. Bidyut Kumar Roy
Ms. Rita Dutta

.... For the State

This revisional application challenges the order passed by learned Additional Sessions Judge, Durgapur in Criminal Motion No. 5 of 2010 arising out of the order No. 30 dated 30th January, 2010 passed by the learned Judicial Magistrate, 2nd Court, Durgapur.

None is appearing on behalf of the petitioner.

This revisional application is pending for 13 years. I do not find any reason to adjourn the case suo motu. From the attending facts of this case it appears that Smt. Anita Upadhyay initially filed a case against her husband and parents-in-law under Section 12 of the Protection of Women from Domestic Violence Act , 2005. After some days she had settled the dispute with her husband but with an intention to exercise her right of residence initiated proceeding against her father-in-law. Learned Trial Court dismissed the application for default on 30th January, 2010 which was assailed before the learned Additional Sessions Judge and Additional Sessions Judge rightly dismissed the

application following the decision of the Hon'ble Appellate Court pronounced in the case of **S. R. Batra Vs. Karuna Batra in Appeal (civil) 5837 of 2006** wherein it is held that:

“There is no such law in India, like the British Matrimonial Homes Act, 1957 and in any case the right which may be available under any law can only be against the husband and not against the parents-in-law”.

I do not find any reason to interfere with the order impugned. This criminal revisional application thus stands dismissed being bereft of merit, without any order as to costs.

Let a copy of the order be sent to learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)