

June 8, 2023
AD – 41
Ct. 34
SG

CRR 2010 of 2023

Sanjay Sahdeo Sharma
-versus-
Laxmi Sanjay Sharma

Ms. Manaswita Mukherjee
Mr. J.D. Roy

... for the petitioner

Learned advocate for the petitioner submits that the maintenance proceedings being ACM Case No.683 of 2019 was decided ex parte and the same was because of reasons beyond the control of the petitioner.

Learned advocate for the petitioner also submits that the petitioner was saddled with an amount of maintenance and the examination of the prosecution witness was conducted by way of an affidavit. It has further been submitted that there is illegality in the procedure as well as the manner in which the trial has been conducted.

I have considered the submissions advanced by the learned advocate for the petitioner and I am of the view that the provisions of the Cr.P.C. provide setting aside the ex parte order by the same court which has passed the ex parte order.

The petitioner would be at liberty to express his grievance in the application which would also explain the delay which has occasioned for reasons beyond his control and the learned magistrate would consider the same and

arrive at a fresh consideration regarding the application so filed.

Let such an application be filed by 7th July, 2023.

Learned magistrate would dispose of the same as expeditiously as possible by serving notice upon the affected parties.

With the aforesaid observations, CRR 2010 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)