

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 3545 of 2022

***Papia Mondal Sardar
Vs.
Mohadeb MOndal & Ors.***

**For the petitioner : Mr. Rabindra Nath Pal, Adv.
Mr. Koustava Ratan Chatterjee, Adv.**

Heard on : 09.01.2023

Judgment On : 09.01.2023.

Bibek Chaudhuri, J.

Marriage of the petitioner was solemnized with the opposite party No.1 in the year 2017. The opposite party No.1 is a railway employee. After the marriage, the petitioner was subjected to torture and cruelty and she was compelled to leave her matrimonial home and take shelter at her paternal home. Subsequently, she filed an application under Section 12 read with Sections 17/18/19/20/21/22/23 of the Protection of Women from Domestic Violence Act against the opposite parties praying for monetary and other reliefs.

The learned Judicial Magistrate vide order dated 17th October, 2019 passed an ex parte order directing the opposite party No.1 to pay consolidated sum of Rs.12,000/- per month towards the petitioner as monetary relief within 15th of the each succeeding English Calendar month from the date of the order. Subsequently, the opposite party No.1 appeared in the said proceeding and filed an application under Section 25(2) of the Protection of Women from Domestic Violence Act praying for setting aside /revocation of ex parte order dated 17th October, 2019 passed in favour of the petitioner by the learned Magistrate.

The learned Magistrate vide order dated 24th September, 2020, unilaterally without issuing any notice, allowed the application for stay of operation of the order dated 17th October, 2019 till the disposal of the Misc. Case No.36 of 2020.

Having heard the learned Advocate for the petitioner and on careful perusal of the entire materials on record, this Court is of the view that the instant revision can be disposed of here and now directing the learned Magistrate to take up the hearing of the application for interim monetary relief and the application under Section 25(2) of the Protection of Women from Domestic Violence Act filed by the opposite party No.1 together and to pass a reasoned

order within three weeks from the date of communication of this order.

Accordingly, the instant revision is disposed of directing the learned Judicial Magistrate, 7th Court at Alipore to take up the hearing of application for interim monetary relief and the application filed by the opposite party No.1 which is registered as Misc. Case No.36 of 2020 together after giving notice to the parties or their learned Advocates and dispose of the same within three weeks from the date of communication of this order.

The petitioner is at liberty to communicate the server copy of the order to the learned Magistrate for information and strict compliance.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.31.
D/L.**