

**18.09.2023**  
**Serial no. 76**  
[G.S.D]

**CRR 3560 of 2023**

**In the matter of : Ratan Sen**

... .. Petitioner

*Mr. D. Kar*

... For the petitioner

Mr. A. D. Sharma

... for the Private Respondent

The petitioner is directed to serve a copy of this revisional application upon the private opposite party, who entered appearance.

Learned Advocate appearing for the petitioner submits that he has been asked to pay a sum of Rs.50,000/- in M. Ex case No. 28 of 2021 and another amount which are dues in M. Ex. Case No. 8871 of 2018.

It has been submitted that in respect of monetary relief granted under the provisions of PWDV Act, 2005, an amount of Rs.10,000/- has been passed by the Id. Magistrate while in respect of the other proceedings under Section 125 of the Cr.P.C., an amount of Rs.12,000/- has been awarded by the Id. Magistrate. A sum of Rs.12,000/- passed in the proceedings under section 125 Cr.P.C. is a higher amount. In that case, if the petitioner clears all the dues in the proceedings under Section 125 of the Cr.P.C., in

that case, the amount which has been awarded under the provisions of PWDV Act, providing only monetary relief, should be adjusted.

It has been submitted that two separate courts are dealing with the proceedings of PWDV Act and Section 125 Cr.P.C.

Hence, I direct that, if before a Court, *in seisin*, of the PWDV Act, the supporting documents of clearance of maintenance allowance/monetary reliefs are placed, the said Court will not insist on payment of any monetary relief until and unless there are change of circumstances.

With the above observations, CRR 3560 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

**(Tirthankar Ghosh, J.)**