

18.11.2023
Serial no. 343
[G.S.D]

CRR 4077 of 2023

In the matter of : Kakali Ghosh Kundu

... .. Petitioner

MR. AVIK GHATAK
MR. SOHAM DE DHARA

... PETITIONER

The petitioner has approached this Court for disposal of Criminal Appeal No. 14 of 2019, which is an appeal under the relevant provisions of Section 29 of the PWDV Act, 2005.

Mr. Ghatak, Id. advocate for the petitioner, submits that once the appeal was disposed of, however the husband who was not heard when the appeal was disposed of, prayed for setting aside of the order and another opportunity was granted to the husband/respondent herein, for hearing.

Be that as it may, the appeal is pending since the year 2019. The Id. Appellate Court would assess whether any interim monetary relief is being received by the appellant/the petitioner before this Court.

Having regard to the period of pendency of the appeal and the manner in which the hearing is stretched in the Appellate Court, I direct the Id. Appellate Court that, in case, on the next date so fixed, on any ground except for the purposes of hearing of the appeal, any application is

preferred by the respondent, the same should be considered along with the interim monetary relief prayed for by the appellant. The Id. Appellate Court would be at liberty to fix a quantum to be granted to the appellant as per the provisions of the PWDV Act, 2005 , in case she has not received any monetary relief in any other proceedings.

If the husband has decided to participate in the proceedings in erratic manner compelling the Id. Appellate Court to fix dates in his absence and adjourn the matter, in that case, the Id. Appellate Court will engage a lawyer from the Legal Services Authority on behalf of the husband and try to conclude the appeal on or before 28th of February, 2024.

With the aforesaid observations, CRR 4077 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.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)