

28.04.2023
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SB
Ct. No.236

CRR 4215 of 2011

In the matter of : Tarak Mishra

None is appearing on behalf of either of the parties.

Considering the age of the lis, I am inclined to adjourn the matter *suo moto*, Rather I am inclined to dispose of the matter on merit based on materials available with the record.

This revisional application challenges the Mat. Ex. Case No. 53 of 2011 pending before the learned Judicial Magistrate, 1st Court, Barasat.

Briefly stated that Smt. Situ Mishra, opposite party no. 1 filed a petition under Section 125 of Cr.P.C. before the learned Judicial Magistrate, which was registered as M. Case No. 439/2008 under Section 125 of Cr.P.C. Learned 1st Court of Judicial Magistrate after considering the evidence on record was pleased to allow application for maintenance and directed the husband Tarak Mishra who is the petitioner in this proceeding, pay a sum of Rs.1,500/- per month to his wife Situ Mishra. As the husband did not comply with the order of the learned Judicial Magistrate the order was put into execution by Smt. Situ Mishra claiming arrears of maintenance with effect from 04.8.2008 to 11.3.2011.

I do not find any reason to quash the said proceeding. However, liberty is given to the petitioner husband to contest the

prayer for realization of arrears of maintenance beyond twelve months.

The revisional application is dismissed without any order as to costs.

Interim order of stay, if any, stands vacated.

Copy of the order be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)