

Form J(1)

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

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

C.R.R. 4389 of 2022

***Manowara Bibi @ Manoyara Bibi
Vs.
The State of West Bengal & Anr.***

**For the petitioner : Mr. N.G.Sarkar, Adv.
Mr. Devranjan Das, Adv.**

Heard on : 13.01.2023

Judgment On : 13.01.2023.

Bibek Chaudhuri, J.

This is an application for a direction upon the Trial Court for expeditious hearing of two Execution Cases being M.Ex. No.78 of 2018 and M. Ex. No.25 of 2019 arising out of Maintenance Case No.573 of 2012 under Sections 125 of the Code of Criminal Procedure pending before the learned Judicial Magistrate, 2nd Court at Diamond Harbour.

It is submitted on behalf of the petitioner the Trial Court passed final order of maintenance vide order dated 21st February, 2018 directing the opposite party/husband to pay maintenance at the rate of Rs.1,500/- per month. However, the husband/opposite party failed to make any maintenance as per order of the Trial Court to the

petitioner. This led the petitioner to file two execution cases as mentioned above before the Trial Court. However, it is the allegation of the petitioner that the Trial Court is not disposing of the execution cases as yet and the opposite party/husband has been given time to pay maintenance allowance one after another.

It is the duty of the Court to see that a destitute married lady gets maintenance granted by the Trial Court itself within the stipulated period of time. Execution proceeding is an extra-ordinary proceeding and such proceeding should be disposed of at the earliest.

In view of the above observations, the learned Judicial Magistrate, 2nd Court at Diamond Harbour is directed to dispose of the above-mentioned two execution cases within three months from the date of communication of this order.

The petitioner is at liberty to communicate server copy of this order for information and compliance.

The instant revision is accordingly **disposed of.**

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.16.
D/L.**