

31.01.2024
Item no. 49
Ct.34
(Suvendu)

C.R.R. 145 of 2024

In the matter of :- Dipa Ghoshal

... Petitioner

Mr. Anirban Dutta
Ms. Priyanka Mukherjee

...for the petitioner

The learned advocate appearing for the petitioner submits that unnecessarily the application for maintenance under Section 125 Cr.P.C. being M-529/2020 is pending before the learned Magistrate for taking several adjournments on behalf of the husband and the husband has been adopting dilatory tactics to delay whole of the proceedings.

Till date the petitioner and the minor daughter has not received any farthing in spite of the case having proceeded for three years.

Learned Judicial Magistrate, 1st Court at Barasat fixed a date for ex parte hearing of the interim maintenance but a counter application has been filed by the opposite party/husband for vacating/ recalling of the said order of fixing the date of ex parte hearing..

As the proceeding is pending since long time and the next date being fixed on 7th June, 2024, I direct that in case it is not possible to prepone the date, the learned Magistrate will take into account the plight of the present petitioner and her minor daughter and arrive at its finding independently as to whether the purpose of the provisions are being served as the petitioner and her minor daughter are surviving without any financial aid.

The learned Magistrate would dispose of the application for interim maintenance if possible on 7th June, 2024 or any earlier date, but not later than 30th June, 2024.

The aforesaid time-line should not be stretched any further.

The learned trial court would thereafter fix one date in every forty-five days so that the main case may be finalized within a reasonable period of time.

The petitioner is granted liberty to file an application before the learned Magistrate for preponing the date.

With the aforesaid observations, CRR 145 of 2024 is disposed of.

All parties to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)