

16.04.2024

Sl. No.: 12

Court No.30
BM

CRR 608 of 2022

Smt. Debopriya Chattaraj(nee Banerjee)

Vs.

The State of West Bengal & Ors.

Mr. Navanil De
Mr. Subhrajit Dey
Ms. Monami Mukherjee

... for the petitioner

Mr. Tanmoy Kumar Ghosh

... for the State

Learned counsel for the State has placed a report as to service upon the opposite party no.2.

It appears that though the service was attempted there was no person at the address given and the house was found under lock and key.

Subsequently, on another attempt being made the Officer-in-Charge of NTS Police Station vide report dated 18.11.2022 has stated that in spite of asking adult sister of the opposite party no.2 to receive the notice, she denied to receive the same. She has submitted that neither her brother resides there nor is he in contact with her and as such in spite of best effort the service could not effected upon the opposite party no.2.

The present revision has been preferred challenging the judgement dated 30th November, 2019 passed by the learned Additional District and Sessions Judge, Fast Track Court-V, Alipore, South 24 Parganas in Criminal Appeal No.178 of 2018.

On perusal of the order under revision, it appears that the said order has been passed in an appeal against the order of the

Magistrate rejecting the petition under Section 25 of the Domestic Violence Act praying for enhancement of the maintenance.

The learned Sessions Judge vide his order enhanced the interim maintenance amount of the minor daughter from Rs.5,000/- to Rs.8,000/- but refused to enhance the interim maintenance granted in favour of the wife which is Rs.10,000/- per month.

It appears that the order of the learned Judicial Magistrate was rejecting the application under Section 25 of the Domestic Violence Act praying for enhancement of the amount of monetary relief at the stage of evidence in the proceeding before the learned Magistrate.

An appeal was preferred and against the said order in appeal the present revision has been preferred wherein the learned Session Judge has passed the order as stated above in respect of the interim monetary relief granted in favour of the petitioner and her child.

Considering the findings of the learned Sessions Judge, this court finds no reason or ground to interfere with the said order which has been passed in accordance with law.

Considering all these facts, this court is not inclined to interfere with the order under revision and the same stands affirmed.

The parties to appear before the Magistrate (Trial Court) and the proceeding before the learned Magistrate is to be disposed of expeditiously in accordance with law, on giving an opportunity to both the parties and by following the guidelines of the Hon'ble Supreme Court in **Rajneesh vs. Neha (2021) 2 SCC 324**.

The learned Magistrate shall attempt to dispose of the case within a period of six months from the date of communication of this order.

The revisional application stands disposed of.

All applications connected thereto stand disposed of.

Interim order, if any, stands vacated.

Let a copy of the order be sent to the learned trial court for compliance.

Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)