

July 30, 2024

28 ARDR

CRR 2748 of 2024

Subhadeep Halder
Vs.
Indrani Halder

Adv. Apalak Basu,
Adv. Nazir Ahmed,
Adv. Sanghamitra Mridha,

...for the petitioner.

Adv. Mit Guha Roy,
Adv. Sayan Kanjilal,

...for the O.P./wife.

Supplementary affidavit submitted by the petitioner is taken on record.

Since the opposite party is represented, the petitioner is directed to make over copy of the application along with annexure thereto upon the learned counsel in course of this day.

Heard learned counsels for the parties.

The petitioner has assailed the order passed by the learned Sessions Judge, South 24 Parganas, Alipore in Criminal Appeal no. 49 of 2024 on 20th June, 2024 wherein the learned Judge has recorded that an award of Rs.3,000/- was granted after satisfaction on perusal of the affidavit of assets and liability filed by both the parties before the learned trial Court.

Learned counsel for the petitioner submits that the learned trial Court, in disposing of the application under Section 23(1) of the Protection of Women from Domestic Violence Act, 2005 has not made such observation at all and has granted maintenance in favour of the opposite party to the tune of Rs.3,000/- per month on a purported undertaking by the petitioner/husband that he is willing to pay Rs.3,000/- per month to the wife as maintenance. Learned counsel

submits that no such undertaking was given by the husband before the learned trial Court in course of the hearing. An execution case being M. Execution case no. 60 of 2024 has been filed by the opposite party/wife in connection with the order dated 16th January, 2024 passed by the learned trial Court.

Be that as it may, since the appeal against the order passed by the learned trial Court is pending before the learned Additional District Judge, 11th Court, Alipore, the learned Additional District Judge is directed to dispose of the appeal as expeditiously as possible, preferably within three months from the next date fixed before him without granting any unnecessary adjournment to either of the parties, in accordance with law.

Proceedings of Misc. Execution case no. 60 of 2024 be stayed till disposal of the appeal.

It is made clear that this Court has not gone into the merits of the case and the learned Additional District Judge shall be at liberty to deal with all the issues placed before him by the parties.

The revisional application, being CRR 2748 of 2024 is disposed of.

Urgent certified website copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Suvra Ghosh, J.)