

CRR No. 3385 of 2024

In the matter of : Sanjana Gupta Shaw (Jayanti)
..... petitioner.

Ms. Trina Mitra ...for the petitioner.

Since the innocuous prayer of the petitioner is for expeditious disposal of application being Misc. Case No.370 of 2023 for restoration of Misc. Case 350 of 2019 which was dismissed for default by an order passed on 1st September, 2023 by the learned Judicial Magistrate, 4th Court, Barrackpore, the matter may be disposed of without service of notice upon the opposite parties.

The opposite parties shall not be prejudiced by an order directing expeditious disposal of the case.

It appears that the petitioner filed an application under Section 12 of the Protection of Women from Domestic Violence Act which was pending before the learned Trial Court. Due to the petitioner's absence on 1st September, 2023 without steps, the Misc. Case was dismissed for default. The petitioner filed an application for restoration of the Misc. Case on 10th October, 2023 which is pending.

In view of the above, this Court is inclined to hold that unless Misc. Case filed by the petitioner under the Protection of Women from Domestic Violence Act is restored, the petitioner shall not be in a position to seek further remedy before the learned Trial Court.

Accordingly, the learned Trial Court is directed to dispose of the restoration application filed by the petitioner being Misc. Case No.370 of 2023 within two months from the next date of hearing fixed before him without granting any unnecessary adjournment to either of the parties, in accordance with law.

The revisional application being CRR 3385 of 2024 is disposed of.

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

(Suvra Ghosh, J.)