

25.09.2024  
rc/ct.no.34  
Item No.38

**CRR No. 4015 of 2023**

**In the matter of : Monojit Roy**

**.....Petitioner**

Mr. Sekhar Kumar Saha

...for the Petitioner

Affidavit of service filed on behalf of the petitioner is taken on record.

None appears on behalf of the private opposite party despite service.

The petitioner who is the husband of the 1<sup>st</sup> opposite party has assailed the judgment delivered by the learned Judicial Magistrate, 2<sup>nd</sup> Court, Ranaghat, Nadia on July 15, 2023 primarily on the ground that no declaration of assets and liabilities was called for by the learned Magistrate from him and he was unable to adduce evidence before the learned Trial Court in support of his contention since he was suffering from schizophrenia at the relevant time. The petitioner prays for an opportunity to submit declaration of assets and liabilities and adduce evidence before the learned Trial Court in support of his case.

It appears from the copies of the order sheets produced by the petitioner that the petitioner was unable to appear before the Court or file his declaration of assets and liabilities despite being given several opportunities. The petitioner produces medical certificate which demonstrates that he has been suffering from

schizophrenia since 2020 and was admitted to the hospital for the same on several occasions.

Since the petitioner is inclined to submit his declaration of assets and liabilities before the learned Trial Court and adduce evidence in support of his case, he ought to be granted such opportunity in the interest of justice.

In view of the above, the judgment impugned dated July 15, 2023 delivered by the learned Judicial Magistrate, 2<sup>nd</sup> Court, Ranaghat, Nadia be set aside/ quashed. The petitioner is at liberty to submit affidavit disclosing assets and liabilities before the learned Trial Court on a date fixed by the learned Trial Court. The learned Trial Court shall grant an opportunity to the petitioner to adduce evidence on dates fixed by the learned Trial Court. No adjournment shall be granted to the petitioner by the learned Trial Court on the said dates and evidence of the petitioner shall be concluded within one month from the date of communication of this order.

The learned Trial Court shall make all endeavour to dispose of the case within two months from the date of conclusion of evidence.

Consequently, execution case being Misc. Execution Case No. 401 of 2023 be quashed.

In the meantime the petitioner shall continue to pay Rs.2500/- per month to the opposite party commencing from September, 2024. The maintenance for each month shall be paid within 7<sup>th</sup> day of each succeeding month.

With the above directions and observations this instant revisional application being CRR No. 4015 of 2023 is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

**(Suvra Ghosh,J)**