

13.03.2025
Ct. No.7
S/L No.15
PG/KS

C.R.R. 129 of 2015
Md. Azaharuddin Mondal
-Vs.-
The State of West Bengal & Anr.

None appears on behalf of the parties.

The revisional application is pending in the warning list since 20th February, 2025 and appeared before this Court on three previous occasions. The matter is pending since 2015.

In view of long pendency of the matter, the matter is taken up in absence of the parties. The revisional application was filed against an impugned judgment and order dated 2nd August, 2014 passed by the learned Judicial Magistrate, 1st Class, 2nd Court, Rampurhat, Birbhum in connection with Misc. Case No.453 of 2013 by directing the petitioner to pay the maintenance in favour of the opposite party no.2 and the minor child totaling Rs.1,700/- per month. On 21st August, 2015, the revisional application along with an application for condonation of delay of 2 months 11 days appeared before the Hon'ble Court and the Hon'ble Coordinate Bench of this Court was pleased to give the petitioner an opportunity to contest the main proceeding after condoning the delay, provided petitioner makes payment of adequate cost. Accordingly, the application for condonation of delay filed by the petitioner was allowed subject to the payment of cost of Rs.3,000/- by the applicant within four weeks to the Secretary of High Court Legal Services Committee within

the stipulated time. It was specifically mentioned in the said order that in default, the application will be dismissed.

Subsequently on 7th March, 2022, the matter appeared for hearing and an accommodation was sought for by the petitioner and the Hon'ble Court was of the view that the petitioner is to be given another opportunity to come ready on the next date, in default, the application shall be disposed of in accordance with law. After that again on 9th June, 2022, both the parties appeared. However, opportunity was granted to the petitioner for a period of one week to deposit the cost of Rs.3,000/- before the Secretary, Legal Services Committee and only after complying with such direction, the delay shall be condoned.

On 20th June, 2022, when the matter appeared and both the parties also appeared before the Court, it was found that the petitioner has not deposited such amount. In the meantime, one report has come from the Secretary, High Court, Legal Services Committee, which is annexed at Flag – A of the report, which clearly reveals that the Calcutta High Court Legal Services Committee has not received such amount of Rs.3,000/- from the petitioner till filing of such report i.e. 14th July, 2022 as no such amount has been deposited.

In view of such chequered history and the petitioner being negligent in complying the directions of this Hon'ble Court on repeated occasions, this Court finds no reason to keep the matter pending. Hence, the instant application for condonation of delay filed under Section 5 of the Limitation Act dated 14th January, 2015 is dismissed and

accordingly, the revisional application being, CRR 129 of 2015 is also dismissed.

Let a copy of this order be forwarded to the learned Court for information and taking necessary action.

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

(Chaitali Chatterjee (Das), J.)