

CRR No. 1607 of 2024

In the matter of : Sutapa Saha petitioner.

Mr. Atarup Banerjee
Mr. Tapodip Gupta
Mr. S. Banerjee
Mr. R. Pramanik ...for the petitioner.

Mr. Abu Jafor
Mr. Rameshwar Sinha
Ms. Debanjana Sen
Ms. R. Laha
Ms. D. Laha ...for the opposite party.

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

Heard learned counsels for the parties.

The petitioner is aggrieved by the order dated 3rd December, 2016 passed by the learned Judicial Magistrate, 6th Court, Burdwan in connection with Misc. Case being Misc. Case No.350 of 2016 granting maintenance in favour of the opposite parties to the tune of Rs.5,000/- per month ex parte.

Learned counsels for the petitioner seeks to contest the application.

Learned counsel for the petitioner submits that the petitioner has been paying Rs.5,000/- per month to the opposite parties in compliance with the order of the

learned trial Court and shall continue to pay the same till disposal of the case before the learned Magistrate.

It appears that the order impugned was passed ex parte. The order sheets reflect that the petitioner failed to appear before the learned Magistrate despite service of notice.

However, since the petitioner intends to contest the application under Section 125 of the Code of Criminal Procedure, such liberty is granted to the petitioner in the interest of justice.

Accordingly, the revisional application being CRR 1607 of 2024 is allowed.

The order impugned dated 3rd December, 2016 passed by the learned Judicial Magistrate, 6th Court, Burdwan in connection with Misc. Case No.350 of 2016 be quashed/set aside.

The learned trial Court is directed to revisit the case upon granting reasonable opportunity of hearing to both the parties, without granting any unnecessary adjournment to either of the parties, in accordance with law. The learned trial Court shall take the proceeding to its logical conclusion within three months from the date of communication of this order.

Pending disposal of the Misc. Case, the petitioner shall continue to pay Rs.5,000/- per month to the opposite parties within the 7th day of the month.

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

(Suvra Ghosh, J.)