

16.12.2025
Ct. No.42

D/L 26
Mujahid

CRR 3201 of 2025

Smt. Anupa Kundu
Vs.
Sandip Kumar Kundu & Anr.

Mr. Hirak Kumar Basu
Mr. Subrata Bhattacharya
Ms. Rusha Mukherjee

...for the petitioner

1. Present petition has been filed challenging the order dated 24th December, 2024 passed by the learned Sessions Judge, South 24-Parganas, Alipore in Criminal Appeal No.325 of 2024 whereby the learned Sessions Judge on filing an appeal under Section 29 of the Domestic Violence Act passed an interim order staying the order of learned Judicial Magistrate in AC Case No.3158 of 2014 subject to payment of Rs.60,000/- per month to the opposite party before 10th of each month in default. Learned Sessions Judge also, inter alia, directed that in case the payment is not made the stay will stand automatically vacated. The petition instead of approaching the court of learned Sessions Judge for vacation of the stay has invoked the jurisdiction of this Court.

2. The proper course for the petitioner was to first approach for the learned Sessions Judge/learned FTC, 5th Alipore to whom the matter was transferred vide order dated 27th February, 2025 for vacation of stay and for final disposal.

3. Hence, the petition is disposed of with direction to learned FTC, 5th Alipore for hearing the petitioner on vacation of an interim stay, if any, such application is moved and to dispose of the matter expeditiously without granting any unnecessary adjournments in accordance with the law. All the issues are left open. No expression made herein shall tantamount to be an expression on the merits of the case.

4. CRR 3201 of 2025 stands disposed of.

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

(Dinesh Kumar Sharma, J.)