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Ct. No.
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C.R.R. 3482 of 2017
Swapna Rana
Vs.
Surajit Rana & Anr.

1. When the instant matter was called for final hearing, it was observed with concern that neither the Petitioner nor any representative was in attendance, nor was any prayer for accommodation moved before this Bench. Compounding this default, the Petitioner has demonstrably failed to file the requisite affidavit of service, a mandatory direction issued by this Court vide Order dated 10th November, 2017.
2. This Court places on record its deep disapproval of such conduct. The inordinate period of pendency of this Revisional Application has been unduly protracted, a situation exacerbated by the continued non-compliance and procedural laxity exhibited by the parties. Such dereliction constitutes an unacceptable burden on judicial resources and fundamentally undermines the efficient administration of justice. It is the inescapable duty of this Court to adhere to the principle: *interest reipublicae ut sit finis litium* (it is in the public interest that there be an end to litigation).
3. Accordingly, to ensure that the ends of justice are subserved through finality, and notwithstanding the wilful non-appearance and material non-compliance, the Court takes up the matter for summary disposal forthwith, based exclusively upon the materials available on the record.
4. This Revisional Application is mounted against the order dated 11th September, 2017, passed by the Learned Additional

District and Sessions Judge, Fast Track, 4th Court, Barrackpore, in Criminal Appeal No. 31 of 2017.

5. The order impugned granted a conditional stay on further proceedings in Misc. Execution Case No. 101 of 2016, subject to the Opposite Party-Husband tendering a monthly payment of Rs. 5,000/-.
6. The essential grievance of the Petitioner-Wife is that the interim stay was granted *ex parte*, without the courtesy of prior service of notice upon her. It is, however, crucial to acknowledge that the underlying appeal was preferred by the Husband pursuant to a specific express liberty accorded by this Court (in CRR No. 2743 of 2017), allowing him to invoke the appellate remedy against the execution orders that had resulted in the issuance of a Warrant of Arrest.
7. The Appellate Court, in exercising its discretionary power vested by Section 29 of the Protection of Women from Domestic Violence Act, 2005, acted with prudence. The Court judiciously balanced the need to protect the *substance* of the Husband's appeal against the urgency of the Wife's need for relief. The stay granted is neither unbridled nor perpetual; it is conditional and limited in its duration, and crucially mandates continued financial relief for the Wife.
8. Upon exhaustive examination of the record, this Court discerns no material irregularity, patent illegality, or jurisdictional excess in the Appellate Court's exercise of its discretion. The conditional order is neither *arbitrary* nor *mala fide*. Consequently, there subsists no ground to warrant the

extraordinary intervention of this Court under its Revisional Jurisdiction.

- 9.** Accordingly, the Revisional Application, being CRR 3482 of 2017, is adjudged to be devoid of merit and is hereby dismissed.
- 10.** The interim order, if any, passed by this Court in connection with this Revisional Application stands automatically vacated.
- 11.** Urgent photostat certified copy of this Order be supplied to the parties subject to compliance with all requisite legal formalities.

(Uday Kumar, J.)

