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CRR 814 of 2026

Geetasree Das
Vs.
The State of West Bengal & Ors.

Mr. Sayan Sarkar

...for the Petitioner

The petitioner herein is aggrieved with the undue delay caused in disposal of the execution proceeding being M.E.X case no. 298 of 2021 arising out of ACM case no. 28 of 2018, presently pending before the learned Judicial Magistrate, 10th Court, Alipore.

Being aggrieved by the aforesaid proceeding, learned counsel for the petitioner submits that the petitioner along with her two children are surviving on the maintenance amount granted by the learned Magistrate but since the opposite party failed to pay the maintenance amount, she had initiated the aforementioned execution proceeding on 17.7.2021, praying for realization of the maintenance amount for the period of March, 2021 to July, 2021. He further submits that the learned court below despite appreciating the conduct of the petitioner and knowing that deliberate attempts have been made by the opposite party to delay the proceeding, has failed to dispose of the matters on merit till date. Therefore, he prays for an appropriate direction upon the court below for expeditious disposal of the aforementioned execution proceeding.

Having heard learned counsel for the petitioner, it appears that the prayer made by the petitioner is innocuous and if it is allowed in terms of the prayer made therein, the opposite parties will have no cause to prejudice and as such, the service of copy of application upon the opposite parties is hereby dispensed with.

In view of the aforesaid facts and circumstances of this case and that the prayer made by the petitioner is justified, the instant application being CRR 814 of 2026 is hereby disposed of with a direction upon the court below to make every endeavour for expeditious disposal of the aforementioned execution proceeding and to make best effort to conclude the proceeding preferably within a period of three months from the next date of hearing.

This order is passed invoking this court's jurisdiction under Section 529 of the BNSS.

Urgent Photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)