

07.5.2026
13.
BD

CRR 1123 of 2026

Swapan Kunti
Vs.
Mousumi Kunti

Mr. Arkadyuti Pahari
Ms. Gargi Maity
Mr. Ahik Mandi ...for the Petitioner

The petitioner has prayed for a direction upon the court below for expeditious disposal of the maintenance application preferred by the opposite party/wife under section 125 of the Code of Criminal Procedure corresponding to section 144 of the BNS presently pending before learned Judicial Magistrate, Alipore.

Being aggrieved by the inordinate delay caused in disposal of the said application filed by the opposite party/wife, learned counsel for the petitioner submits that on 5th August, 2024 the opposite party's prayer for interim maintenance was allowed and thereafter the next date was fixed for evidence on 9th December, 2024. Since then the dates are being fixed by the trial court one after another but till date no single witness has been examined and that next date is fixed on 17.07.2026 for evidence. In the above background, learned counsel for the petitioner prays for appropriate direction upon the court below for expeditious disposal of the said proceeding being ACM Case No. 575 of 2023.

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 party will have no cause to prejudice and as such, the service of copy of application upon the opposite party is hereby dispensed with.

Considering the fact that the matter is kept pending for taking evidence for about one and a half year, I find that the prayer made by the petitioner is justified and is required to be allowed for securing the ends of justice.

In view of the above, the instant application being CRR 1123 of 2026 is hereby disposed of with a direction upon the court below to make every endeavour for expeditious disposal of the proceeding being ACM Case No. 575 of 2023 and to make its best effort to conclude the trial preferably within a period of six months from the next date of hearing.

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.)