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CRR 1199 of 2026

**Smt. Tuku Khanra
Vs.
Sri Rajasman Dutta & Ors.**

Mr. Arabinda Bhattacharjee
Ms. Sujata Saxena

...for the Petitioner

In this application, the petitioner is aggrieved with the inordinate delay caused in disposal of the proceeding being A.C. case no. 16 of 2022, presently pending before the Learned Judicial Magistrate, 2nd Court, Alipore.

Being aggrieved by the inordinate delay in disposal of the said proceeding filed under Section 12 read with Section 23 of the Protection of Women from Domestic Violence Act, 2005 (in short, the Act of 2005) before the court below, the petitioner has preferred the instant application. On 23rd February, 2022 date was fixed for appearance. Thereafter, a series of dates have been fixed for appearance but the interim prayer made by the petitioner under Section 23 of the Act of 2005 has not yet been disposed of even though the opposite party nos. 1 and 2 filed objection against petitioner's petition made under Section 12 read with Section 23 of the Act of 2005 on 6th December, 2023 and the petitioner has also filed reply.

In such circumstances, the petitioner, who is a hapless lady, prays for necessary direction upon the court below for expeditious disposal of the aforesaid application.

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.

Having heard learned counsel for the petitioner, it appears that as many as 16 dates have been fixed by the Trial court since 23rd February, 2022 for appearance and the hearing is stalled since then and as such, I find that the prayer made by the petitioner is justified and required to be allowed to secure the ends of justice.

In view of above, the instant application being CRR 1199 of 2026 is hereby disposed of with a direction upon the court below to make every endeavour for expeditious disposal of the petitioner's application filed under Section 23 of the Act of 2005 on the next date or within a period of 60 days thereafter and also to make his best effort to conclude the entire proceeding preferably within a shortest period of time without granting any unnecessary adjournment to either of the parties, keeping it in mind that the statute has provided to conclude such proceeding within a time limit.

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.)