

19.05.2026

Sl. No.31.

D/L.

Mithun.

Ct.No.29.

CRR/2001/2026

Somrita Saha

Vs.

Subhajit Saha

Mr. Debayudh Ganguly

...for the petitioner

In this application the petitioner has prayed for a direction upon the Trial Court for expeditious disposal of the maintenance application being Maintenance Case No.135 of 2024 presently pending before learned Judicial Magistrate, 2nd Court at Barasat.

Being aggrieved by the inordinate delay caused in disposal of the petitioner's maintenance prayer, learned Counsel for the petitioner submits that on 28th February, 2024, the petitioner/wife filed an application under Section 125 of the Cr.P.C. along with a prayer for interim maintenance. The said prayer for interim maintenance application has not yet been disposed of and the opposite party/husband is taking time one after another on the ground of filing affidavit of assets and liabilities before the Court below. He further submits that the petitioner/wife has already submitted the affidavit of assets and liabilities before the Court below. Accordingly, he prayed for necessary direction for early disposal of the interim maintenance application filed by the petitioner/wife as well as early disposal of the main application filed under Section 125 of the Cr.P.C.

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

Having considered the fact that the interim maintenance prayer made by the petitioner is pending for about two and half years and that the petitioner being a hapless lady is knocking the door of justice without having any redress, I find that the prayer made by the petitioner is justified and is required to be allowed to secure the ends of justice.

In view of above, the instant application being CRR 2001 of 2026 is hereby disposed of with a direction upon the Court below to dispose of the petitioner's interim maintenance application on the next date fixed, i.e. on 2nd June, 2026 or preferably within a period of 30 days thereafter and to make his best endeavour to conclude the entire proceeding filed under Section 125 of the Cr.P.C. preferably within a period of six months thereafter.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)