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CRR 2228 of 2025

Smt. Tumpa Mondal

Vs.

The State of West Bengal & Anr.

Mr. Subhashis Saha
Ms. Stela Sen

...for the Petitioner

Petitioner herein has prayed for a direction upon the court below for expeditious disposal of Misc. case no. 204 of 2022 under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short, the Act of 2005), presently pending before the Learned Judicial Magistrate, 5th Court, Barrackpore.

Being aggrieved by the inordinate delay in disposal of the said proceeding filed under Section 12 of the Act of 2005, learned counsel for the petitioner submits that petitioner filed the said application on 23rd August, 2022 along with a prayer for interim relief under Section 23(2) of the said Act. He further submits that she also filed affidavit of assets and liabilities on the very same date. On 9th April, 2023, the opposite party no. 2 entered appearance. But since then, the matter is awaiting hearing of the petition filed under Section 23(2) of the said Act. He further submits that the court concerned is lying vacant for more than one year. Accordingly, he prayed for necessary direction upon the court below for expeditious disposal of the main

application as well as the interim prayer filed under Section 23(2) of the Act of 2005.

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 considered the fact that the interim prayer made by the petitioner is pending for about four years, 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 2228 of 2025 is hereby disposed of with a direction upon the Trial court or Court-in-charge of the court below to make every endeavour for expeditious disposal of the petitioner's application filed under Section 23(2) of the Act of 2005, preferably within a period of sixty days from the date of communication of this order.

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.)