

29.06.2026

Sl. No.35.

D/L.

Mithun.

Ct.No.29.

CRR/2336/2026

Marufa Khatun

Vs.

The State of West Bengal & Anr.

Mr. Abhishek Verma,
Mrs. Atulya Sinha,
Ms. Swaraj Naskar

...for the petitioner

Petitioner herein is aggrieved with the order dated 29.01.2026 by which the Court below has vacated the ex parte hearing of the maintenance application filed by the petitioner on payment of cost of Rs.1,000/-.

Being aggrieved by the aforesaid order, learned Counsel for the petitioner submits that the petitioner is the legally wedded wife of the opposite party herein who instituted a proceeding for maintenance under the provision of Section 125 of the Code of Criminal Procedure on 19.10.2023. Thereafter, the opposite party herein/husband failed to appear before the Court and for which the Court below has posted the said maintenance case for ex parte hearing and P.W.1 and P.W.2 were examined. However, on 29.01.2026 in spite of delivering order after closure of evidence, the Trial Court entertained a petition filed by opposite party/husband praying for vacating the ex parte hearing of the case and accepted the written objection and written statement filed by the opposite party after an expiry of more than one year by the impugned order.

The petitioner further contended that she filed the interim maintenance application on 19.10.2023 along with the main

application but learned Court below has not yet disposed of the said application and it is still pending for hearing. Learned Counsel for the petitioner submits that the next date is fixed on 28th July, 2027.

Having heard learned Counsel for the petitioner, the instant application being CRR 2336 of 2026 is hereby disposed of with a direction upon the Court below to prepone the date of hearing interim maintenance application in the month of August, 2026 and to dispose of the petitioner's interim maintenance application on the prepone date or within a period of 30 days thereafter. The impugned order dated 29.01.2026 is not interfered at this stage.

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.)