

07.01.2026
Ct. No.30

D/L 49
Mujahid

CRR 3632 of 2024

Smt. Anjali Das & Anr.
Vs.
Smt. Soma Sarkar (Sen)

Mr. Biswajit Manna

...for the petitioner

- 1.** Affidavit of service filed be kept with the record.
- 2.** In spite of service none appears for the opposite party.
- 3.** The petitioners herein have challenged the order dated 6.7.2024 passed by the learned Additional Sessions Judge, 1st Court Serampore, in connection with Criminal Appeal No.18 of 2024 which arose out of order dated 26.6.2024 passed by the learned Judicial Magistrate, 5th Court, Serampore in connection with Misc Case (D.V.) No. 238/2024, rejecting thereby the petitioners' prayer for ad interim protection.
- 4.** It appears that vide the order under challenge, the learned Magistrate on the finding that as the parties do not live in a shared household, the question of domestic violence does not arise and has rejected the petitioners' prayer for interim protection made under Section 23(2) of the PWDV Act.
- 5.** It appears from the materials on record, which includes the application under Section 12 of the Domestic Violence Act that the parties live in a joint property, in the portions respectively in their possession. As such, prima facie it appears they live in a joint property and thus, prima facie, a shared

household and at this interim stage, the petitioners herein are entitled to some protection from any disturbance made by the opposite parties herein.

6. Accordingly, the orders under challenge dated 6.7.2024 passed by the learned Additional Sessions Judge, 1st Court Serampore are set aside and it is directed that pending hearing of the proceedings in Misc Case 238 of 2024, the opposite parties are restrained from creating any disturbance to the petitioners herein who are aged persons living in the same shared household.

7. Thus, the orders under challenge dated 6.7.2024 passed by the learned Additional Sessions Judge, 1st Court Serampore, in connection with Criminal Appeal No.18 of 2024 which arose out of order dated 26.6.2024 passed by the learned Judicial Magistrate, 5th Court, Serampore in connection with Misc Case (D.V.) No. 238/2024 are accordingly set aside and quashed.

8. The revisional application stands disposed of.

9. Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of necessary formalities.

(Shampa Dutt (Paul), J.)