

Misc Exe - 02 of 2023

Order dated:- 15.05.2023

Today is fixed for hearing.

The Ld. Advocate for the petitioner was present from the morning.

A show cause against the prayers of the instant Misc case is submitted at 12:00 hrs.

Heard both sides.

It is submitted from the side of the respondent that the instant application is filed u/s 31 of the Protection of Women from Domestic Violence Act because Section 31 of the Protection of Women from Domestic Violence Act deals with penalty for breach of protection order and in the instant case no protection order was passed. The instant application seeking execution is filed praying for execution of order dated 01.02.2020 passed in connection with Misc case no.8 of 2019 and this is not an application u/s 31 of the Protection of Women from Domestic Violence Act. Accordingly, the prayer of the respondent is rejected.

No payment is yet made by the respondent in compliance of the order passed by this Court.

Issue D/W against the respondent.

Requisite at once.

To 19.06.2023 for ER of D/W.

Metropolitan Magistrate
3rd Court Calcutta

Later,

Another application praying for setting aside of ex-parte order and judgment dated 01.02.2020 passed in connection with Misc case no.08 of 2019 has been filed by the respondent Santosh Shaw on the ground that the said order was obtained by the wife by suppression of material facts along with an application u/s 5 of Limitation Act.

Another application praying for stay of operation of order dated 01.02.2020 is also filed.

All these three applications are required to be filed in connection with the mother Misc case in which the order dated 01.02.2020 was passed.

Accordingly, all the three applications are hereby rejected.

Fix to date.

Metropolitan Magistrate
3rd Court Calcutta