

Sri Joy Mukherje Vs. Smt. Mera Mukherjee @ Smt. Meera Mukherjee

Order No.10 dated 17.08.2026

Today is fixed for hearing of application for stay.

Both the parties are present by filing hazira.

Heard the Ld. Advocate for both the sides.

On submission of Ld. Advocate for both the sides the Criminal Revisional Application itself is taken up for hearing along with application for stay. The service of notice upon the respondent/State of West Bengal is dispensed with.

Heard both the sides.

Perused the materials on record.

On perusal it appears that initially the present Respondent No.1 has filed an application for maintenance being Misc. Case No.478 of 2022 and that was transferred before the Ld. Judicial Magistrate, 4th Court, Serampore and in that case the present petitioner being O.P. has filed petition on 13.08.2025 praying for setting aside the order of exparte hearing passed against him and that prayer of the petitioner was rejected by the Ld. Trial Court vide order dated 26.08.2025 on the ground that the exparte order was passed against the petitioner on 26.03.2025 and the present petitioner appeared on 13.08.2025 and it was not mentioned by him that on which date and from whom he got the knowledge about the order of exparte hearing dated 13.08.2025 as well as on the ground of laps of statutory period of three months from the date of passing of the order of exparte hearing.

From the Trial Court record it is reflected that vide order dated 11.01.2024 the Ld. Trial Court has been pleased to direct the petitioner of that case to serve notice upon the present revisionist, at all of his addresses mentioned in the cause title of the application filed u/s 125 of Cr.P.C. and subsequently postal track report was filed and vide order dated 08.08.2025, considering the track report the Ld. Trial Court has been pleased to fix the case for exparte hearing against the present revisionist and on 26.03.2025 the Ld. Trial Court has been pleased to dispose of the application for maintenance on exparte directing the present revisionist to pay Rs.20,000/- per month to the present O.P No.1 from the date of filing of the application.

It is the submission of the Ld. Advocate for the revisionist that he wants to contest the original application filed u/s 125 of Cr.P.C. and no notice of the same was served upon him. In course of argument the Ld. Advocate for both the sides have agreed that the present revisionist is continuing to pay a sum of Rs.10,000/- per month to the present O.P No.1 who is his mother.

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Criminal Motion 100/2025

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Considering the contention of both the sides as well as considering the submission of Ld. Advocates, it appears to me that the order dated 26.08.2025 passed in M.C case No.478/2022, rejecting the prayer of the present revisionist to allow him to contest the original Misc. Case by setting aside the exparte order dated 26.03.2025 may be set aside on condition that the present revisionist should continue to pay Rs.15,000/- per month to the present O.P. No.1 starting from the month of August, 2026, giving an opportunity to the present revisionist to contest the original Misc. Case No.478/2022.

Hence, it is,

O R D E R E D

that the present Criminal Revisional Application filed u/s 438/440 of B.N.S.S. and 397/399 of Cr.P.C. and the application for stay filed by the revisionist are disposed of on contest.

The order dated 26.08.2025 passed by Ld. Judicial Magistrate, 4th Court, Serampore, Hooghly in M.C case No.478/2022 is set aside on condition that the present revisionist should continue to pay Rs.15,000/- per month to the present O.P. No.1 starting from the month of August, 2026 till the disposal of the Misc. case No.478/2022.

The Ld. Trial Court is requested to consider the application filed u/s 125 of Cr.P.C. by the present O.P No.1 being Misc. Case No.478/2022 afresh as early as possible after giving an opportunity to the present revisionist to file written objection and affidavit of assets and liabilities within a particular date and giving both the sides to adduce evidence in support of their case, if any, and to dispose of the application filed by the present O.P No.1 u/s 125 of Cr.P.C. afresh in accordance with law, without being influenced by this order, specially regarding the quantum of maintenance.

Let a copy of this order along with the Trial Court Record of M.C case No.478/2022 be sent back before the Ld. Judicial Magistrate, 4th Court, Serampore, Hooghly.

Dictated and Corrected by me

Additional Sessions Judge
Fast Track Court, Serampore

Additional Sessions Judge
Fast Track Court, Serampore

OFFICE OF THE ADDITIONAL SESSIONS JUDGE, FAST TRACK COURT,
SERAMPORE, HOOGLY.

No.

Dated : 17.08.2026

Copy of order along with the Trial Court Record of M.C case No.478/2022 be sent back before the Ld. Judicial Magistrate, 4th Court, Serampore, Hooghly for his information and taking necessary action.

Additional Sessions Judge
Fast Track Court, Serampore

