

22.05.2026

Sl. No.22.

D/L.

Mithun.

Ct.No.29.

CRR/2108/2026

Asura Bibi

Vs.

State of West Bengal & Anr.

Mr. Younush Mondal,

Mr. Rabi Kumar Sah

...for the petitioner

In this application the petitioner/wife has prayed for expeditious disposal of M.Ex Case No.259 of 2024 presently pending before learned Judicial Magistrate, 1st Court, Barasat.

Being aggrieved by the inordinate delay in disposal of the execution application, learned Counsel for the petitioner submits that the petitioner filed M. Case No.531 of 2020 under Section 125 of Cr.P.C. before learned Chief Judicial Magistrate, Barasat on 9th November, 2022. The Trial Magistrate by an order dated 18.07.2024 was pleased to grant interim maintenance of Rs.5,000/- per month to the petitioner from the date of filing of the application.

Since the maintenance amount was not paid by the opposite party/husband in terms of the Court's order, he initiated said execution proceeding being M. Execution Case No.259 of 2024 for recovery of an arrear amount of Rs.2,25,000/-. Since then the execution proceeding is pending before the Trial Court and, therefore, he prayed for necessary direction for expeditious disposal of the said execution proceeding.

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 party will have no cause to prejudice and, as such, service of copy of application upon the opposite party is dispensed with.

Having considered the submission made on behalf of the petitioner that the petitioner being a hapless lady is knocking the door of justice to get the maintenance amount as awarded by the Court since 2024, I find that her prayer for expeditious disposal is justified and is required to be allowed to secure the ends of justice.

In view of above, CRR 2108 of 2006 is hereby disposed of with a direction upon the Court below to make every endeavour for expeditious disposal of the aforesaid execution case being M.Execution Case No.259 of 2024 and to make its best effort to conclude the entire execution proceeding preferably within a period of 3 months from the date of communication of the order.

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.)