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CRR 2568 of 2026

Smt. Mithu Lahiri
Vs.
Sri Rana Lahiri

Mr. Supriyo Das

...for the Petitioner

The petitioner herein is aggrieved with the inordinate delay caused in disposal of the proceeding being Misc. case no. 95 of 2025 initiated under the Protection of Women from Domestic Violence Act, 2005 (in short, the Act of 2005), presently pending before the Learned Judicial Magistrate, 3rd Court, Barrackpore and thereby depriving the petitioner of her right under Article 21 of the Constitution of India.

Being aggrieved by the inordinate delay in disposal of the said proceeding, learned counsel for the petitioner submits that the petitioner/ wife preferred an application filed under Section 12 of the Act of 2005 on 9.4.2024 along with a prayer for interim monetary relief. The said application is pending for disposal for about more than one year and the Trial court has not taken any endeavour to dispose of the said prayer for interim monetary relief nor has made any attempt to expedite the hearing of the aforesaid proceeding. He further submits that the Trial court has fixed the next date i.e. on 6th October, 2026.

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, the service of copy of application upon the opposite party is hereby dispensed with.

Having considered the submissions made on behalf of the petitioner and that the petitioner's prayer for interim monetary relief is pending for disposal for about more than one year, I find that the prayer made by the petitioner is justified and required to be allowed to secure the ends of justice.

In view of above, the instant application being CRR 2568 of 2026 is hereby disposed of with a direction upon the court below to dispose of the petitioner's prayer for interim monetary relief on the next date i.e. on 6th October, 2026 or within a month thereafter. The Trial court will also make an endeavour for expeditious disposal of the proceeding preferably within a period of six months thereafter.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)