

Sandhya Ghosh.

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Court : Kolkata

Decided On : Jul-04-2011

Judge : Kanchan Chakraborty, J.

Acts : Code of Criminal Procedure (CPC) - Section 125, 401, 482

Appeal No. : C.R.R.3298 of 2008.

Appellant : Sandhya Ghosh.

Advocate for Pet/Ap. : Mr. Kallol Guha Thakurata. Adv

Judgement :

1. None appears on behalf of the petitioner on repeated calls. Mr. Guha Thakurata, learned Counsel appearing for the opposite party no.1 submits that since filing of the application in the year 2008, no effort was made on behalf of the petitioner to move the application. No order of stay is also passed. Adjournments granted freely to the petitioner till this date.
2. This application has been filed praying for setting aside of the order dated 14.11.2006 passed by the learned Family Court, Kolkata in Misc. Case No.117 of 2002 under Section 125 of the Code of Criminal Procedure.
3. The petitioner herein prayed for maintenance claiming herself as wife of the opposite party. The learned Court dismissed her petition after finding that there was no marriage between the petitioner and the opposite party.

4. However, no one is appearing on behalf of the petitioner and it appears to me that the petitioner has no interest at all.

5. Seen the photo copy of the order passed in Title Suit No.1170 of 2003 by the learned Judge, VIII Bench of the City Civil Court at Calcutta wherein the learned Court passed one decree declaring that no marriage was solemnized and/or performed on any date, day and place between the plaintiff and the defendant. The defendant in that suit is the petitioner herein. There is nothing on record to show that said decree has been set aside by any higher Forum. It is a decree passed by a Civil Court regarding status of the party and of course, binding on the parties. The judgment impugned refusing maintenance appears to be correct.

6. This apart, there is delay of 665 days in filing the revisional application. The delay has not yet been condoned.

7. Considering the facts above and taking note of the fact that the petitioner is not appearing on calls since filing of the application, I find it inexpedient to keep this matter pending any longer.

8. The revisional application thus stands dismissed and is disposed of. The judgment passed in Title Suit No.1170 of 2003 be kept with the record.

9. Urgent xerox certified copy of this order, if applied for, shall be given to the learned Advocate of the opposite party, as early as possible.

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