

Party Name : SURAJIT DAS Vs SMT. UTTARA DAS

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. R. Pal, learned counsel appearing for the petitioner as well as Mr. Kohinoor N. Bhattacharji, learned counsel vice Ms. Y. Taneja Bhattacharji, learned counsel for the respondent.

The prayer made in this petition is for staying the execution proceeding being Cr.Misc./10/2015 pending in the court of the Judge, Family Court, Gomati Judicial District, Udaipur.

This Court is of the considered opinion that if someone does not pay the maintenance, this Court should not exercise the jurisdiction to stay the execution proceeding in the manner as prayed for because Section 125 of the Cr.P.C. has been incorporated in the body of law for arresting vagrancy of a wife, forced to live separately from the husband, who refuses to pay the maintenance.

Accordingly, this petition stands dismissed and disposed of.