

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 160 of 2018

Saumitra Roy S/o Late Santosh Roy Aged About 50 Years R/o M I
G 2/11, Hudco Bhilai, Tahsil And District Durg Chhattisgarh,

---- Petitioner

Versus

Smt. Roopa Roy W/o Saumitra Roy Aged About 42 Years C/o
Khemuram Sinha, M I G 1/241, Amdi Nagar Hudco P. S. Sector -6
Kotwali, Bhilai Nagar, Tahsil And District Durg Chhattisgarh

---- Respondent

For petitioner – Shri Rudranath Mukherjee, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order

25/01/2018

Heard.

1. Learned counsel for the petitioner submits that order under challenge is 14/12/2017 whereby learned family court has mis-calculated the arrears and has directed for recovery of amount of Rs.22,000/- whereas as per bank statement entire amount has been paid only Rs.8000/- remains, therefore order is bad in law and it cannot be executed.
2. In view of the disputed facts involved in this case, it would be proper for the petitioner to approach to the learned Family Court, Durg with all the details of payment made so that same may be calculated. Therefore, liberty is granted to the petitioner to move suitable application before the learned Family Court, Durg with entire details of the payment made and thereafter the learned Family Court shall re-consider the issue and after calculating the arrears, if any, shall pass suitable orders on that. It is further directed that memo issued for recovery of Rs.22,000/- to the DGM, Tele Communication, BSP, Bhilai shall not be given effect to till fresh calculation is made. After calculation of fresh arrears, necessary

memo may be issued, if amount is not paid to the respondent.

3. With such observation, the petition stands disposed of.

Sd/-

(Goutam Bhaduri)

JUDGE

gouri