

21.12.2020  
Court No. 19  
Item No. 2  
CP

C.O. 1307 of 2020

Kaushik Ray  
vs.  
Deepannita Ray

Mr. Joyjit Roy Choudhury

...for the petitioner.

Mr. Arijit Sarkar

...for the opposite party.

Mr. Roy Choudhury, learned advocate appearing on behalf of the petitioner/husband vociferously argued that the order impugned dated March 11, 2020 by which the learned Additional District Judge, 3<sup>rd</sup> Court at Alipore directed attachment of the salary of the petitioner, who is an employee of the NTPC, should be set aside as such an order of attachment would have a negative impact on the service career of the petitioner.

It is submitted by the opposite party that total amount outstanding on account of arrear maintenance till date amounts to Rs.6,44,000/-. On the last occasion, this court was not inclined to pass an ad interim order of stay as the maintenance as directed by the learned court below was not being paid to the wife/opposite party. The learned court below in Misc. Execution Case No. 8 of 2019, arising out of Matrimonial Suit No. 52 of 2012 had directed

the General Manager, NTPC, NTPC Bhawan Scope Complex, 7, Institutional Area Lodi Road, New Delhi – 110003 to comply with the earlier order of the court dated February 27, 2020, directing attachment of Rs.52,000/- per month from the salary of the petitioner till realisation of the entire amount of Rs.3,75,000/- with a further direction that the attached amount should be credited to the bank account of the wife/opposite party.

Mr. Roy Choudhury assured the court on the last occasion on behalf of his client and upon instructions from his client that his client would liquidate the entire amount payable to the opposite party till date. On such submission a direction was issued by this court on December 17, 2020 that a cheque shall be brought by the petitioner before this court to be handed over to the learned advocate for the opposite party for the entire amount due and payable till date on December 21, 2020. An unconditional stay of the order impugned was directed till December 21, 2020. It was directed that if the petitioner complied with the order of this court the interim order would continue for a period of two months or until further orders whichever was earlier.

Mr. Roy Chowdhury admits that the calculation of the outstanding dues was handed over to him.

The petitioner has not brought the cheque and Mr. Roy Choudhury submits that he wishes to retire from the matter and has already given a 'No Objection' to his client.

The interim order which was in force upto today shall not be operative from tomorrow. There will be no stay of the order dated March 11, 2020, passed by the learned Additional District Judge, 3<sup>rd</sup> Court at Alipore in Misc. Execution Case No. 8 of 2019, from December 22, 2020 in view of the non-compliance. The learned court below as also the opposite party are at liberty to proceed in accordance with law.

This is a ploy on the part of the petitioner to take advantage of the resolution of this court that no adverse orders would be passed and no matters would be dismissed for default. Thus the petitioner has chosen to stay away from this court and has also not instructed his learned advocate appropriately. This court has taken note of this behavior. In any event as the interim order will not be available from tomorrow the learned court below can proceed accordingly.

The learned court below is directed to act on the basis of a server copy of this order.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as

possible subject to compliance of all usual formalities.

**(Shampa Sarkar, J.)**