

CRR 329 of 2014

In the matter of:- Golam Ahmed @ Khokon
.....Petitioner.

None appears on behalf of the petitioner.

The present revisional application has been filed by the petitioner for setting aside the order dated 21.12.2013 passed by the learned Additional Chief Judicial Magistrate, Uluberai, Howrah in Misc. Execution Case No. 93 of 2012 under Section 125(3) of the Criminal Procedure Code.

The brief fact of the case is that in the aforesaid execution proceedings the petitioner on 21.12.2013 filed an application stating, inter alia, that some excess payment of maintenance has been made in favour of the opposite party no. 1. However, the learned court below fixed date on 29.1.2014 for payment without considering the prayer of the petitioner. Being aggrieved by and dissatisfied with the impugned order, the petitioner has preferred for the present revisional application.

It appears from the copy of the petition dated 21.12.2013 (annexure F at page 41) that the petitioner on the assertion that he was already made excess payment to the opposite party no 1, prayed for necessary orders. The certified copy of order dated 21.12.2013 also shows that the petitioner (opposite party before the executing court) filed a petition along with the photocopy of postal receipts praying for necessary order and the Executing Court fixed 29.1.2014 for payment.

Be that as it may, from the impugned order, there is nothing to suggest that the petition filed by the petitioner before the Executing Court was rejected and disposed of.

In the light of above discussion, this court finds that the aforesaid said order does not call for any interference.

Accordingly, the present revisional application stands dismissed.

All connected applications stands disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)