

22.03. 2022
item No.23
n.b.
ct. no. 34

CRR 3342 of 2018
Biplab Mukherjee
Vs.
Piyali Mukherjee & Anr.

Mr. Shataroop Purkayastha
Mr. Sarbananda Sanyal
.....For the Petitioner

Ms. Sujata Das
.....For the State

Mr. Atarup Banerjee
Mr. T. Gupta
.....For the Opposite Party

The main thrust of contention before this Court was regarding the award pertaining to the residential accommodation, which was passed by the Learned Magistrate.

The primary grievance of the petitioner is in respect of payment of Rs.2,000/- towards the residence which has been awarded by the Learned Magistrate and subsequently affirmed by the Learned Appellate Court.

According to the learned advocate for the petitioner, the wife and the minor son are residing at the parental house of the wife/opposite party no.1, as such, she is not entitled to receive any amount towards residential accommodation. This assertion has been made by learned advocate for the petitioner but, such a contention was never before the Learned Trial Court or the Learned Appellate Court. In view of the aforesaid, if such application with supporting evidence is brought before the Learned Trial Court, the Learned Trial Court will consider the same in its true and proper perspective.

Learned advocate for the opposite party no.1 submits that huge amount is due and accumulated and the opposite party no.1 has filed execution cases but the same is without any outcome.

Having regard to such submissions made by learned advocate for the opposite party no.1, I direct in case there are dues, the Learned Magistrate will dispose of the execution case within a period of six months from date. Learned Magistrate will exhaust harsher process of law, if he grants installments and there is any default in respect of payment.

With the aforesaid observation, CRR 3342 of 2018 is disposed of.

All pending connected applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)