

16.02.2022
S.D.
06.

**C.R.R. 4001 of 2011
(Via Video Conference)**

In the matter of: Biman Bagdi

.....Petitioner.

Mr. Bidyut Kumar Roy
Ms. Rita Dutta

...For the State.

This revisional application is fixed up today as "Listed Motion".

On call none appears for the petitioner and opposite party no. 2.

Mr. Bidyut Kumar Roy along with Ms. Rita Dutta, learned advocates appear for the State.

This revisional application has been filed assailing an order dated 23.11.2011 passed by learned Judicial Magistrate, 1st Court, Suri, Birbhum in Misc. Execution Case No. 37 of 2011 arising out of Misc. Case No. 115 of 2007 whereby Warrant of Arrest was issued against the petitioner for non-payment of maintenance.

Perused the application for revision and the impugned order. On 21.12.2011, petitioner was directed to serve notice along with copy of the application upon opposite parties and to file affidavit of service within three weeks. The petitioner was further directed to deposit a sum of Rs.11,000/- in favour of opposite party no. 2 before the Executing Court within three weeks and on compliance of the same all further proceedings in connection with the execution would remain stayed for eight weeks. The said order was conditional to the effect that if the

petitioner failed to deposit the amount, there will be no order of stay and liberty was given to the Executing Court to proceed.

Since the petitioner has not come up with any compliance report nor filed any affidavit of service, it is presumed that the conditions laid down in order dated 21.12.2011 have not been complied. The revisional application, therefore, stands dismissed due to default of the petitioner.

Let a copy of this order be sent to the 1st Court of learned Judicial Magistrate, Suri for information.

The revisional application is accordingly disposed of.

(Ananda Kumar Mukherjee, J.)