

18.05.2023

Sl. No.23.

D/L.

Mithun.

Ct.No.42.

CRR/644/2023

Sujauddin Sk.

Vs.

The State of West Bengal & Anr.

Mr. Shamik Bagchi, Adv.

Mr. Noor Islam Seikh, Adv.

...for the petitioner.

It is submitted on behalf of the husband/petitioner that the Trial Court issued warrant of arrest on 24th August, 2022 for non-payment of arrear maintenance by the petitioner in favour of the opposite party till 26th July, 2022.

Learned Advocate for the petitioner refers to a document being the certificate of Muslim Marriage to prove that the opposite party/wife has conducted second marriage on 12th November, 2020. This Court has not verified the veracity of this document.

If the opposite party/wife conducts a second marriage, she is not entitled to maintenance from the date of her second marriage. Therefore, prior to 11th February, 2020, she is entitled to get maintenance allowance.

The learned Magistrate is directed to calculate the entire arrear maintenance allowance and upon hearing the parties, pass necessary order regarding arrear maintenance allowance within one month from the date of communication of this order. Execution of warrant of arrest be suspended till the date of determination of arrear maintenance.

The instant revision is, thus, disposed of.

(Bibek Chaudhuri, J.)

