

Item No. 24
25.09.2023
Court. No. 19
GB

C.O. 2724 of 2023
With
CAN 1 of 2023

Sri Ratan Kumar Maitra
Vs.
Adrija Moitra

Mr. Mahim Sasmal

...for the Petitioner.

CAN 1 of 2023 is an application for appropriate orders to allow the petitioner to withdraw the money lying in his accounts, maintained with State Bank of India, TNT Studio Branch.

According to the petitioner, due to the order dated July 13, 2023, the petitioner was not able to withdraw any money for his sustenance. A prayer is made to allow the petitioner to withdraw the pension amount, so that he may maintain his regular expenses.

By order dated July 13, 2023, the learned Additional District Judge, 12th Court at Alipore, passed in Matrimonial Execution No.12 of 2022, directed the branch manager of State Bank of India, to freeze both the accounts of the petitioner.

It had been specifically found that the petitioner had disobeyed not only the orders of the learned trial judge, but also of the High Court with regard to payment of maintenance to the wife. It has been further recorded that the petitioner had clearly made a statement, expressing his disinclination to pay the accumulated maintenance amount

to the wife for the past 22 years. In the meantime, the wife passed away and daughter applied for execution as heir of the deceased. With the aforementioned background, this court does not deem it fit to interfere at this stage. The petitioner raises the question of maintainability of the said execution case before the learned court.

This Court is of the view that the learned trial judge should dispose of the execution case upon framing an issue with regard to maintainability, among other issues. The execution case, should be disposed of within two months from the next date fixed. It is submitted that October 10, 2023 is the next date fixed by the learned court below for hearing of the matrimonial execution case. The prayer of the petitioner to allow him to withdraw a minimum amount for his sustenance for at least three months, should be considered by the learned court below, on an application made by the petitioner.

When the petitioner files the application, the petitioner will file the bank statements in order to show the total accumulated amount in the two bank accounts.

Accordingly, the revisional application along with CAN 1 of 2023 are disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)