

S/L 65
31.03.2023
Court No.652
SD

CO 2296 of 2021

Sri Sheo Prabesh Singh
Vs.
Smt. Padma Devi

Mr. Pinaki Ranjan Mitra

...for the Petitioner.

Mr. Pratyush Patwari

...for the Opposite Party.

This is an application against order no.11 dated 10.12.2021 passed in Money Execution Case No.9 of 2021 arising out of Matrimonial Suit No.481 of 2014 passed by the learned Additional District Judge, 4th Court, Howrah.

In the said money execution case, the judgment-debtor has prayed for granting stay of the execution proceeding on the ground that there should be modification of order no.55 dated 16.3.2021 passed by the court below relating to payment of arrear maintenance amount and unless said order no.55 is modified, the execution proceeding must not continue and is required to be stayed.

Learned counsel appearing on behalf of the opposite party referred order no.13 dated 04.01.2022 passed by the same executing court below in the aforesaid Money Execution Case No.9 of 2021 wherefrom it appears that the learned advocate for the judgment-debtor prayed time for payment of arrear maintenance as due to the decree-holder and he also filed petition praying for time which was also considered and rejected. The court below accordingly directed the judgment-debtor to pay the entire arrear

maintenance amount including the litigation costs by the next date.

In view of the above, I find that the present application has become infructuous and accordingly, CO 2296 of 2021 is dismissed as infructuous.

However, this order will not preclude the parties to make their respective claim regarding payment/non-payment of maintenance amount by filing fresh application before the court below in the said proceeding.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Ajoy Kumar Mukherjee, J.)