

Item No.113
05.10.2023
Court. No. 19
GB

C.O. 3268 of 2023

Tripti Pradhan (Debnath)
Vs.
Amit Kumar Pradhan

Mr. Indranil Roy,
Mr. Sunit Kr. Ray

...for the Petitioner.

The order dated July 13, 2023 passed by the learned Additional District Judge, 1st Court at Barasat in Matrimonial Execution Case No.08 of 2022, is under challenge.

It appears that maintenance pendente lite was not paid by the husband. It also appears that on an earlier occasion, a similar execution proceeding was initiated. The learned trial court records that the husband had not been paying alimony pendente lite, but directed the petitioner to file an application for attachment of the property.

According to the petitioner, the court should have issued a warrant of arrest when the court was satisfied that the husband was avoiding the court. The petitioner prays for issuance of warrant of arrest.

In my view, no order can be passed by this court. The petitioner can always renew her prayer for issuance of warrant of arrest at the appropriate stage, with appropriate pleadings, which shall be decided on its own merits. If such prayer is made, the same shall be decided within a month from the date of filing of the application.

This court has not expressed any opinion on the merits of the case. The learned court shall proceed independently and in accordance with law.

A copy of the revisional application, along with a server copy of this order be served upon the opposite party and/or the learned advocate contesting the matter on behalf of the opposite party in the learned court below.

The revisional application is accordingly disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)