

D/L56
10.10.2023
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C.R.R.3639 of 2023

In Re: An application under Section 401 read with Section 482 of the
Code of Criminal Procedure, 1973;

Anusuya Sikdar nee Biswas
Versus
The State of West Bengal and another

Mr. Maloy Ghosh.
...for the petitioner.

The grievance of the petitioner is that by an order dated 21.08.2023 the learned Judicial Magistrate, 5th Court, Barrackpore in M. Execution Case No.46 of 2022 was pleased to direct the opposite party to pay arrears of Rs.5,000/- in addition to the regular payments of Rs.15,000/- per month which was fixed as maintenance.

Having considered that the dues which has been assessed and there is a factual dispute while the opposite party/husband claims that according to him, there are dues of Rs.66,000/-, the petitioner/wife on her calculation assessed that the said amount is Rs.1,38,000/-.

Learned Magistrate would give hearing to both parties on the quantification of the arrears as it has been submitted that the husband has purposely omitted five months dues which accrued as a right to the present petitioner/wife.

Having considered that a substantial quantum has accrued by way of arrears, I modify the order dated 21st August,

2023 to the extent of the arrears concerned. Learned Magistrate after quantification of the arrears would in four equal instalments direct the opposite party/husband to clear the dues. In the alternative, learned Magistrate would take steps in accordance with law.

With the aforesaid observations, CRR 3639 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)