

13-02-2024
Subha
Item no.60
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

CRR 515 of 2024

Sri Apurba Bose
-versus-
Smt. Manomita Bose

Mr. Akashdeep Mukherjee
Mr. Sayan Banerjee
....for the petitioner.

Learned advocate for the petitioner submits that intermittently he had been paying the amounts in connection with Misc. Execution Case No. 15 of 2013. In spite of the same, the learned executing court held that there are arrears of Rs.5.98 lakhs.

Learned advocate submits that the payments which the petitioner has made has not been taken into consideration and the arrear amount has been calculated.

In view of the submissions so advanced, if the petitioner files an application in respect of the payments made, learned Magistrate will assess and scrutinize regarding the total quantum which are due. So far as the order under challenge is concerned, the same is not interfered with as admittedly there are arrears and the learned Magistrate is duty bound to recover it. In case the learned Magistrate arrives at a finding regarding the quantum of arrears which is different from that which is reflected in the order dated 17th February, 2023 or is of the opinion that the calculation of the quantum recorded in the order dated 17th February, 2023 is

correct, the learned Magistrate will give 5 installments to clear the arrears. In the alternative, the learned Magistrate will exhaust the process of law for recovery of the arrears.

With the aforesaid observations, the revisional application being CRR 515 of 2024 is disposed of.

Pending applications, if any, are consequently disposed of.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]