

D/L28
17.05.2024
Bpg.

C.R.R.709 of 2023
With
CRAN 1 of 2023

Smt. Bijali Maity
Versus
Partha Sakha Maity

Mr. Sankar Prosad Dalopati
Mr. Tanushree Ghosh
Mr. Sourav Mondal.
...for the petitioner/wife.

Mr. Amar Nath Sen
Mr. Malay Dhar
Mr. P.K. Ghosh
Mr. Soushthub Dutta.
...for the applicant/husband.

In Re: CRAN 1 of 2023

The applicant/husband has taken out the instant application being CRAN 1 of 2023 and pointed out that the order passed in CRR 1094 of 2019 passed by a co-ordinate Bench of this Court specifically concluded in paragraph 10 as follows:

“10. Since the petitioner herein is entitled to get adjustment of the amount of maintenance which he has been paying on the basis of order under Section 125 of the Code of Criminal Procedure in a subsequent proceeding under the D.V.Act the order passed in Criminal Appeal No.36 of 2018 and Misc DV case o.7 of 2015 is set aside.”

I direct the learned Judicial Magistrate, 3rd Court, Contai

in Misc. D.V. No.07 of 2015 that if an execution case is preferred at the instance of the petitioner/wife then the issue relating to adjustment should be addressed first, thereafter, the learned court will enter into the zone of the arrears, if any. Both the parties, as such, on the next date would place their statement of accounts regarding the disbursal and receipt respectively. Learned Magistrate will take into account the same and thereafter would either direct the husband to pay the amount or in the alternative drop the proceedings of the execution case.

With the aforesaid observations, CRAN 1 of 2023 is disposed of.

In view of the directions so passed above, the revisional application being CRR 709 of 2023, as such, becomes infructuous. Consequently, CRR 709 of 2023 is disposed of.

Pending other connected applications, if any, are 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.)