

CRR 1216 of 2022

**Mahua Banerjee @ Bandopadhyay
vs.
The State of West Bengal & Anr.**

Mr. Ankit Agarwal (through VC)
Ms. Alotriya Mukehrjee
... for the petitioner

Mr. M.F.A. Begg
... for the State

The present revisional application has been preferred praying for setting aside of the order dated November 30, 2021 and December 6, 2021 passed by the learned Judicial Magistrate, Hooghly, Sadar in M.C. (Ex) Case No. 181 of 2020 arising out of M.C. Case No. 188 of 2016.

Learned counsel for the petitioner submits that a huge outstanding amount of arrear maintenance is due but the Trial Court is not issuing warrant of arrest against the opposite party/husband and, as such, the petitioner is prejudiced.

By the order under challenge dated 30.11.2021, it appears that the opposite party/husband had paid Rs.15,000/- to the petitioner towards the arrear of maintenance on the said date. As such, the Court had kept the prayer of recall of warrant of arrest in abeyance till the next date. On the next date i.e. 06.12.2021 the prayer was allowed and a money receipt of Rs.10,000/- was filed and the petitioner/wife had also withdrawn Rs.15,000/- from the Court.

There is no representation on behalf of the opposite party no. 2 today.

It appears that the orders under challenge have been passed in an execution case wherein it appears that the opposite party/husband had paid certain amount and the petitioner has also withdrawn the same.

It is submitted that a huge arrear of maintenance is due and the Trial Court is being very reluctant to proceed against the opposite party/husband.

Considering the materials on record and the orders which have been challenged, this Court finds no reason to interfere with the said orders as the said orders are in accordance with law.

Accordingly, the Trial Court is directed to dispose of the execution case in accordance with law within a period of two months from the date of this order by considering the petitioner's prayer in the Misc. Execution petition and dispose of the same in accordance with law.

The present revisional application being CRR 1216 of 2022 is, thus disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

Let a copy of the order be sent to the learned trial court for compliance.

(Shampa Dutt (Paul), J.)