

13.03.2024
Item No.21
gd/ssd

CO/3398/2023

SUSMITA CHOWDHURY
VS
UTTAM MIHIR ROY & ANR.

Mr. Rohit Banerjee,
Mr. Prabir Bhattacharya
..for the petitioner.

Mr. Debabrata Acharyya,
Mr. Sital Samanta
..for the Opposite party no.1.

.
Ms. Neelina Chatterjee,
Ms. Sudha Singh
..for the Opposite party no.2.

This is an application for expeditious disposal of a Money Execution Case No.13 of 2022 pending before the learned Additional District Judge, 5th Court, Howrah. The said money execution case was filed for executing the order dated 22.12.2021.

Learned Advocate appearing for the petitioner submits that the husband/opposite party herein has not complied with the directions passed by the learned court below for payment of *alimony pendente lite*. He, upon instructions from his client, submits that as on date a sum of Rs.42,40,000/- is due and payable by the opposite party-husband pursuant to

the order passed on 22nd December, 2021 in a misc. case arising out of the matrimonial suit.

He, therefore, submits that a direction is to be passed upon the learned Judge of the court below to dispose of the money execution case expeditiously.

Learned Advocate appearing for the opposite party no.1 submits that prior to the hearing of the money execution case, the application filed by the husband-opposite party herein for vacating the ex parte order dated 22nd December, 2021 is to be heard out. He further submits that pursuant to a direction contained in the order dated 31st March, 2023 passed in CO 166 of 2023, the husband-opposite party herein has paid a sum of Rs.10,00,000/- to the wife within time limit specified in the said order.

Heard the learned Advocates for the parties and perused the materials placed.

It is not in dispute that the money execution case was filed for executing the order passed on 22nd December, 2021. The opposite party herein has taken out an application for vacating the ex parte order dated 22nd December, 2021 and also complied with the directions contained in the order dated 31st March, 2023 in CO 166 of 2023 by paying a sum of Rs.10,00,000/- to the wife-petitioner herein within the time limit mentioned in the said order. Since the

opposite party herein has prayed for vacating the order which is sought to be executed by the petitioner by way of Money Execution Case, this Court is of the considered view that the application for vacating the ex parte order is to be heard first.

It has been uniformly submitted by the learned Advocates for the respective parties that 16th March, 2024 has been fixed for hearing of the application for vacating the ex parte order.

The learned Advocates for the respective parties assures this Court that no adjournment shall be taken by the respective parties on the next date fixed i.e. on 16th March, 2024.

In view of the assurances given by the learned Advocates of the respective parties upon instructions from their respective clients, this Court requests the learned Additional District Judge, 5th Court at Howrah to take up the hearing of the application for vacating the ex parte order dated 22nd December, 2021 on the next date fixed i.e. on 16th March, 2024 and to dispose of the same as expeditiously as possible but preferably within a period of four weeks from the next date fixed. Depending on the fate of such application, the learned Judge of the court below shall make an endeavour to take further steps in connection with the money execution case.

With the above observations and directions
CO 3398 of 2023 stands disposed of.

There will be no order as to costs.

Urgent certified copy of this order, if applied
for, be given to the learned advocates for the parties
on usual formalities.

(HIRANMAY BHATTACHARYYA, J.)