

D/L- 18
24/03/2025
Ct. No.-6
Aritra

C.O. 1010 of 2025

**Amrita Dutta
Versus
Saikat Mitra**

Mr. Shibaji Kumar Das
Mr. Aniket kanrar
...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the wife and is directed against an order being No.9 dated February 15, 2025 passed by the learned Additional District Judge, Fast Track, 5th Court, Barasat in Miscellaneous Execution Case No.7 of 2024 arising out of Miscellaneous Case No.73 of 2021 filed in connection with Matrimonial Suit No.1727 of 2020.

The learned advocate appearing for the wife/petitioner submits that the husband/opposite party herein has not paid the amount of alimony to the wife/petitioner in spite of a specific direction passed by the learned trial judge.

From the order sheets appended to this application this Court finds that March 29, 2025 has been fixed for hearing of the application under Order 21 Rule 48A of the Code of Civil Procedure praying for attachment of the salary of the husband/opposite party herein.

In view of the order sought and proposed to be passed this Court feels that there is no necessity to direct

issuance of any notice upon the opposite party. However, the learned advocate on record of the petitioner shall be obliged to forward a copy of this application along with this order upon the opposite party or the learned advocate representing him before the learned Executing Court.

It has been submitted by the learned advocate for the petitioner that March 29, 2025 has been fixed for cross-examination of P.W.1 in the Matrimonial Suit. He submits that since the husband/opposite party has not paid the alimony *pendente lite* the Matrimonial Suit is required to be stayed. It will be open to the petitioner to take appropriate steps in that regard before the learned trial judge.

CO 1010 of 2025 is disposed of by requesting the learned Additional District Judge, Fast Track, 5th Court, Barasat to take up the hearing of the application under Order 21 Rule 48A of the code of Civil Procedure on the next date fixed i.e., on March 29, 2025, if the same is otherwise ready of hearing, and to dispose of the same as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)