

07.01.2025
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C.R.R. 2914 of 2024

In Re: Priti Samanta

**Mr. Dipankar Saha
Mr. Anirban Das
Mr. Subhau Kr. Das
... For the Petitioner**

Affidavit of service filed on behalf of the petitioner is taken on record.

None appears for the opposite party despite service.

Learned counsel for the petitioner submits that despite direction of the learned Judicial Magistrate, 5th Court, Asansol, Paschim Bardhaman vide order dated 18th December, 2023 in Misc. Execution case no. 296 of 2021 upon the private opposite party to pay Rs. 3,57,000/- in 15 installments from the next date fixed before the learned Magistrate, only an amount of Rs.1,20,000/- has been paid by the opposite party till date.

By judgment delivered on 13th September, 2023 in Misc. Case no. 234 of 2018 under Section 125 of the Code of Criminal Procedure learned Judicial Magistrate directed the opposite party to pay maintenance to the tune of Rs.8,000/- per month to the petitioner from the date of filing of the application. Since the order was not complied with by the opposite party, the petitioner was constrained to file the Misc. Execution case seeking execution of the order. The dues as on 18th December, 2023, according to the petitioner, was Rs.3,67,000/- out of which the opposite party

deposited an amount of Rs.10,000/- in Court on the said date. Further Rs.1,20,000/- was paid by the opposite party subsequently. Learned counsel for the petitioner submits that total dues as in December, 2024 is 4,53,000/-.

Since it *prima facie* appears that the order dated 18th December, 2023 passed by the learned Magistrate has not been complied with by the opposite party and two more months are remaining for compliance of the said order, the opposite party is directed to clear the entire dues within four months from date positively failing which the learned executing Court shall be at liberty to take necessary steps in accordance with law. The opposite party shall continue to pay current maintenance month by month along with arrear maintenance.

Since nothing further remains to be adjudicated in the revisional application, the same is disposed of.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)