

Court No. 2
3.01.2025
Item No.33
kausik

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 1471 of 2023

Smt. Juliet Karmakar (Das)
VS
The State of West Bengal & Ors.

Mr. Arijit Ghosh
Ms. Angana Rakshit

... For the Petitioner.

Mr. Sourav Ganguly
Mr. Bibek Tarafder
Mr. Gopal Roy
Ms. Rishita Chakraborty

...For Respondent No. 9.

Mr. Subir Kumar Saha
Mr. Momenur Rahman

... For the State.

The petitioner has approached this court as number of execution cases were pending before the learned ACJM, Alipurduar and inspite of the warrant of arrest or the distress warrant being issued in the execution cases, the husband/respondent no. 9 was not traceable, further the police authorities were not executing such process of law and the petitioner/wife was suffering for want of maintenance regularly.

Learned advocate appearing for the petitioner submits that there were dues to the extent of Rs. 3,00,000/- and the respondent no. 9/husband was evading the process of law, thereby causing sufferance to the petitioner.

Mr. Rahaman, learned advocate represents the state.

Mr. Ganguly, learned advocate appearing on behalf of the private respondent no. 9 submits that the respondent no. 9 has already entered appearance before the learned Execution Court and cleared the dues.

So far as appearance of the respondent no. 9 is concerned the same is not disputed by the petitioner. However, petitioner disputes regarding the submission of the learned advocate for the respondent no. 9 that all the dues have been cleared.

According to the learned advocate for the petitioner, there are substantial dues.

Learned advocate for the respondent no. 9 in response submits that there were claims on behalf of the petitioner which were repetitive in nature and as such the foundation of such claims are absolutely questionable, however under distressed and coercive measures the respondent no. 9 was able to satisfy the court by paying substantial amount and thereafter the harsher process of law was recalled by the learned ACJM, Alipurduar.

Be that as it may, so far as the quantification of the dues are concerned, learned ACJM in all the execution cases will assess and intimate both the parties.

The learned ACJM thereafter will take all steps so that all the execution cases are disposed of within 4 weeks from the next date so fixed before the learned ACJM, Alipurduar.

In view of the warrant of arrest and/or other harsher process of law not being existing, pursuant to the respondent no. 9 appearing before the court, I do not find that there is any direction required to be passed upon the state authorities for interference.

However, the learned Magistrate would follow the aforesaid directions and accordingly take the execution cases to its logical conclusion within the time period as indicated above.

With the aforesaid observations WPA 1471 of 2023 is disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)