

24.03.2026
Ct. No.42
D/L 30
Mujahid

CRR 2280 of 2024
With
CRAN 5 of 2026

Sanjay Narayan Laskar
Vs.
Ruma Laskar & Ors.

Mr. Usof Ali Dewan
Mr. Asif Dewan
Mr. Mehedi Masud

...for the petitioner

Mr. Rahul Agarwal
Ms. Simran Sureka

...for the opposite parties

In Re: CRAN 5 of 2026

1. Present application has been moved for stay of the order dated 17th December, 2025 whereby the learned Judicial Magistrate, 1st Court rejected the application of the petitioner/opposite party for rejection of the MR (Exe) Case No.176/2024.

2. The facts in brief necessary for the adjudication of the present application are that an application under Section 127 Cr.P.C. was filed by the petitioner and the opposite party in Misc. Case No.135 of 2021. The learned trial court vide order dated 24th November, 2023 disposed of the said application directing the petitioner to pay a sum of Rs.4,000/- to the opposite party/wife. However, modified the order to the extent of payment of maintenance to the daughter as she had attained majority. The plea of the petitioner/husband is that the marriage between the parties has already been dissolved and the

opposite party/wife has already re-married and, therefore, she is not entitled for maintenance.

3. The petitioner/husband aggrieved of this vide the CRR 2280 of 2024 which was taken up by the co-ordinate Bench of this Court on 28th November, 2025 and in view of the facts stayed the impugned order till 31st March, 2025. The interim order was further extended till 20th June, 2025 vide order dated 25th April, 2025 and further extended till last week of November, 2025 vide order dated 13th August, 2025.

4. Learned counsel for the petitioner submits that though the application for execution of interim order was filed within the time, however, the same was taken up only on 15th January, 2026 and the interim order was extended till 21st April, 2026. However, in the interregnum period the opposite party/wife pressed for execution in MR (Exe) Case No.176/2024 and the learned trial court finding that there was no stay order, directed the petitioner to make the payment and further vide order dated 17th January, 2026 issued the warrants.

5. Learned counsel for the petitioner submits that since the interim order was extended on 15th January, 2026 it shall have retrospective effect and the order dated 17th December, 2025 may be stayed.

6. Learned counsel for the opposite parties has vehemently opposed this plea and submits that the learned trial court has rightly proceeded in the Misc. execution case number as there was no stay order. Learned counsel for the opposite parties has also submitted that no payment is being made by the

petitioner/husband on account of which the opposite party/wife is unable to meet the educational expenses of her daughter.

7. The court has considered the submissions. The co-ordinate Bench of this Court after taking into account the entire facts and circumstances, stayed the operation of the impugned order vide order dated 28th January, 2025 which was extended from time to time. However, the interim order granted till last week of November, 2025 was extended only on 15th January, 2026. Since the interim order was re-imposed vide order dated 15th January, 2026, the operation of the order dated 17th December, 2025 is liable to be stayed. Hence, operation of the impugned order dated 17th December, 2025 shall remain stayed till the disposal of the revision petition.

8. CRAN 5 of 2026 stands disposed of.

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

(Dinesh Kumar Sharma, J.)