

23.02.2026
Ct. No. 06
Item 03
Cp

C.O. 4027 of 2025

Aniruddha Saha
Vs.
Srabani Das Saha

Mr. Partha Pratim Roy
Mr. Samrat Chakraborty
Mr. Saikat Gayen

.....for the petitioner.

Mr. Siddhartha Banerjee
Mr. Abhisek Baran Das

.....for the opposite party.

The order of this court dated January 30, 2026, has been complied with.

The petitioner/husband who had already been granted a decree for divorce has filed this revisional application being aggrieved by an order passed in Money Execution Case No.06 of 2021.

It appears to this court that the learned District Judge, Hooghly, had directed that a sum of Rs.3,95,000/- should be deducted from the salary of the petitioner towards arrear maintenance, after the suit had been decreed and after the court had granted liberty to the wife to file an application for permanent alimony. The suit was decreed on admission under the provisions of Order 12 Rule 6 of the Code of Civil Procedure. The entitlement of

the wife towards permanent alimony was recorded by the court and liberty was granted to the wife to claim permanent alimony. It appears that instead of filing an application for permanent alimony the wife filed a money execution case seeking arrear maintenance.

This court had directed payment of Rs.1,20,000/- over and above Rs.80000/- which was deducted from the salary of the husband pursuant to the order of the executing court. It is submitted that Rs.80,000/- which may have been deducted from the salary of the husband has not reached the wife. The direction of the court was upon the employer to transmit the money to the wife's bank account and the husband cannot be held responsible for the money not having reached the wife's bank account. However, this issue can be agitated in the money execution case which is pending. The wife shall file her application for permanent alimony before the competent court. The matter may be resolved by the learned court or by the parties as they may choose.

The direction for deduction of further amount from the salary of the husband is set aside. Such direction was passed after the suit was decreed on admission. The wife should have availed of the liberty to pray for permanent alimony.

This court has left it open for the learned competent court to decide on the quantum of permanent alimony to

be paid to the wife if she files an application. The court will also take into account whether arrear maintenance is due and provide for it by including such amount in the permanent alimony.

In the event, the husband does not comply with the order of the court, the wife is at liberty to take steps in accordance with law.

The revisional application is disposed of.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)