

D.B.Singh, Principal Judge,  
Family Court, Gopalganj  
Miscellaneous Case No. - 9/2025  
Md. Chand Siddique Vs. Muskan Khatoon  
Dated of order – 02-05-2025  
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**Miscellaneous Case No.– 9/2025**  
**(U/S 126 Cr. P. C.)**

**Md. Chand Siddique** ..... **Applicant**  
Vs  
**Muskan Khatoon** ..... **O.P.**

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**Ld. Counsel for the applicant : Sri Nehal Akhtar**  
**Ld. Counsel for the O.P. : None**

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**Present :-**

**Dhirendra Bahadur Singh.**  
**Principal Judge, Family Court.**  
**Gopalganj.**  
**Date of order - 02-05-2025**

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**Order**

**02-05-2025**

1. A petition has been filed on behalf of applicant Md. Chand Siddique to stay Distress Warrant issued in connection with Maintenance Case No.-59/2022.
2. Ld. counsel for the applicant submitted that earlier the applicant had no knowledge regarding the ex parte proceeding of maintenance case. Hence it is essential to stay the Distress Warrant. He also submitted that copy of the petition has been supplied to ld. counsel for the O.P. Muskan Khatoon. Ld. counsel for the applicant conceded that the applicant has not paid any money to his wife Muskan Khatoon in compliance of the order passed in Maintenance Case No.-59/2022.
3. Having heard the submission and from perusal of case record it appears that the next date fixed in this case is 30-05-2025. The track report of the notice issued to the O.P. has not been filed by the applicant. The applicant has not paid any amount to the O.P. in compliance of the final order passed in Maintenance Case No.-59/2022.
4. Considering aforesaid facts and circumstance it is not proper to pass any order in this case before the next date fixed. The Distress Warrant issued can not be stayed without hearing the O.P. Muskan Khatoon and it is the admitted

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position that the applicant Md. Chand Siddique has not paid any amount to the O.P. Muskan Khatoon in compliance of the final order passed in Maintenance Case No.-59/2022. The present miscellaneous case is pending for appearance of the O.P. Muskan Khatoon. Hence the petition dated 02-05-2025 filed on behalf of applicant of the present case (O.P. in the Maintenance Case) is hereby dismissed as premature. The applicant is at liberty to file the application to stay the Distress Warrant after appearance of the O.P. in this case.

**Dictated**

**P.J.**