

Misc Execution 195 of 2024

Order no. 11
dated 26.12.2025

Today is fixed for further hearing.

Heard both sides at length.

Record is taken up for passing order.

This is an execution proceeding arising out of a case under protection of women from Domestic Violence Act. The O.P appeared and filed a written objection stating, inter alia, that this execution proceeding is not maintainable in law and accordingly prayed for its dismissal.

The learned Advocate for the O.P respondent submitted that this execution proceeding is not maintainable as this is an execution proceeding arising out of an interim order passed in the main case being no. Misc 135 of 2023. He further submitted that the O.P has denied all the allegations leveled against him in the main application. Therefore, according to him this execution proceeding is not maintainable in law.

Learned Advocate for the petitioner submitted that the petitioner has every right to file an execution proceeding against an order of maintenance, be it interim or final. According to him, this execution proceeding is very much maintainable in law.

After considering all the discussion made by both learned Advocate and the materials on record this court prima facie does not find any illegality or irregularity in this execution proceeding and, thus, the petition on non-maintainable ground as filed by the O.P/respondent is rejected.

O.P is directed to pay the maintenance amount to the petitioner.

Fix **19.01.2026** for paying maintenance by the O.P/respondent.

Dictated and Correct by me.

A.C.J.M Kalna.

(SUPARNA ROY-III)
Additional Chief Judicial Magistrate
Kalna Purba Bardhaman.
In charge of
J.M 2nd Court, Kalna,
Purba Bardhaman.
J.O Code- WB01118