

M.Ex. 465 of 2023
(CNR - WBSP05-004904-2023)
(J.O Code- WB01369)

Order dated: 04/07/2024

Today is fixed for payment.

Both parties are present by filing hazira.

Ld. Advocate for the OP submitted before the court that the petitioner has received the entire arrear maintenance amount from the OP and accordingly he prayed for disposal of this case on the ground of full satisfaction of payment made by the OP towards the petitioner as far as this execution case is concerned.

Ld. Counsel on behalf of the petitioner is present and submitted that indeed the entire amount has already been paid by the OP. But even after that he prayed that this execution case should not be disposed of because the OP is making payment only because of the existence of this execution case as there is a pressure upon him due to this case.

Heard both the sides and upon considering all the submissions made by both the counterparts, I am constrained to hold that no case neither any judicial proceeding can be perceived to be a mode of creating pressure upon the other side to realise the intending goal. Till there is some arrear amount due and claimed by the petitioner, the execution case can exist but when the payment has been made regularly and nothing is due to be paid keeping the same at par with the claim made in this case, I am not of opinion to drag this case any further.

Hence, it is

ORDERED

that the instant Misc. Execution Case be and the same is hereby disposed of on full satisfaction.

BC-II to keep note in relevant register as well as in CIS.

The record should be sent to the record room as per due provision of law.

BC-II to comply.

D/C by me

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