

Order No. 11 dated 29.8.25

Today is fixed for hearing of the stay vacating petition dated 07.01.25 filed by the O.P.2.

Both sides have filed hazira today.

The record is now taken up for hearing of the said petition.

Ld Advocate for the O.P.2 while moving the petition submitted that the appellant has not complied with the directions of this court mandated at the time of allowing his stay petition of making payment of the arrears of the maintenance of Rs. 40000/- per month from the date of the impugned order i.e. 26.6.24 till the date of the said order on 26.9.24 and as such the stay be vacated as mentioned in the said order that in default the stay would be automatically vacated.

He prayed for allowing the stay vacating prayer.

Ld Advocate for the appellant submitted that the appellant has till date made payment of Rs. 60000/- to the O.P.2 and he drew the attention of this court to the proof of such payments made. He submitted that the appellant has not been able to make the entire payment of the arrears of the maintenance of Rs. 120000/- and needs further time to make the balance payment. He prayed for dismissal of the stay vacating prayer of the O.P.2.

Heard both the sides. Perused the said petition and record. Considered.

It is apparent from the filed documents and the submission of the ld Advocate for the appellant that the appellant has failed to make the entire payment of the arrears of the maintenance which was due for three months @ Rs. 40000/- per month to the tune of Rs. 120000/- both at the time of filing of the instant prayer for vacating the stay as also on this day.

On perusal of the Order No. 04 dt. 26.9.24 passed by this court in this matter, it is evident that this court has directed therein that the appellant shall pay the arrears of the maintenance till the date of the order within the next date and that in case of default of such payment, the order of stay shall stand automatically vacated. As the appellant has committed default in such payment, there is no other option left for this court than to vacate the stay granted to the appellant. As such, the stay vacating petition filed by the O.P.2 is considered and allowed.

The stay granted by this court vide Order No. 04 dt. 26.9.24 is hereby vacated.

Let a copy of this court be sent to the ld trial court at once for its information.

To 05.12.2025 for hearing of the appeal.

Dict. & corr. By me.

Sd/-

Addl. District Judge, 2nd Court,
Serampore, Hooghly.

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Addl. Sessions Judge, 2nd Court,
Serampore, Hooghly.

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Serampore, Hooghly.

Memo No.....

Dated

Copy forwarded to : The Ld. Judicial Magistrate, 4th Court, Serampore, Hooghly for its information.

Addl. Sessions Judge, 2nd Court,
Serampore, Hooghly.

