

**Misc Ex 140/2020**  
**Reg No. 140/2020**  
**CNR No. WBHG06-001229-2020**  
**J.O. No. WB01330**

**Order Dated 18.02.2021 :-**

Today the parties have filed haziras.

The petitioner filed the instant execution case claiming maintenance amount of Rs. 72,000/- from the month of March, 2019 to February, 2020. In support of her claim the Ld. Advocate appearing on behalf of the petitioner referred AIR 2005 SC 2410.

The O.P. raised objection against the petition by filing his written objection. It has been submitted that the petitioner has filed another execution case being No. Misc. Execution 139/2020 praying for the arrear maintenance from April, 2020 to October, 2020 i.e., for seven (07) months and it was filed on 24.11.2020. It has been further submitted that the petitioner did not claim any arrear maintenance within the stipulated time and prayed for the dismissal of the same. The Ld. Advocate on behalf of the OP also referred the observation of the Hon'ble High Court, Calcutta as reflected in CRR No. 3321/1997.

Heard and considered.

After going through the citation referred by the petitioner I am of the view that the observation of the Hon'ble Apex Court as reflected in AIR 2005 SC 2410 is not applicable in this instant case as the facts and circumstances of the instant case are different from that of the case referred by the Ld. Advocate. On perusal it appears to me that the petitioner by filing the instant execution case claimed maintenance from the month of March, 2019 to February, 2020. The case has been filed on 24.11.2020. Therefore I am inclined to hold that the petitioner is entitled to Rs. 18,000/- ( Rs.6,000 x 3) I.e the maintenance for the month of December,2019, January, 2020 and February, 2020.

O.P. is directed to make payment of Rs.18,000/- to the petitioner as maintenance.

To **18.03.2021** for payment I/d n/o.

Typed by me

Judicial Magistrate,  
2nd Court, Serampore

Judicial Magistrate,  
2<sup>nd</sup> Court, Serampore