

Misc. Execution 43 of 2022

Order dated 12/09/2022

Today is fixed for hearing and payment.

Both the parties are present before this Court by filing haziras.

One receipt of Rs.5000/- through online transfer is filed along with the statement. Let the same be kept with the record.

Heard both sides in full.

Now the record is taken up for passing order.

Perused the entire record, petition and WO.

It transpires that the petitioner has filed a petition for clarification of the Order dated 08/04/2021 passed by this Court in connection with Misc. case no. 570 of 2018 wherein this Court has passed an order to the effect that the OP is directed to pay a sum of Rs.7000/- per month as interim maintenance for their daughter from the date of filing this case. It transpires from the Order dated 08/04/2021 that this Court has fixed **the quantum of maintenance in excess of the amount already awarded in the previous proceeding under PWDV Act.**

Therefore, considering the language of the Order of this Court passed in connection with Misc. Case no.570 of 2018, I am of the opinion that the argument advanced by the Ld. Advocate for the petitioner that the child is entitled to Rs.7000/- in excess to the quantum of maintenance of Rs.5,000/- already awarded in a proceeding under PWDV Act to the child and Rs.5000/- to the petitioner by virtue of the Order of Ld. J.M. 4th Court, Howrah is acceptable and the argument advanced by the Ld. Advocate for the OP that the child is entitled to Rs.2,000/- i.e. (Rs.7000/- - Rs.5000/-) is devoid of merit.

Hence, this Court is of the opinion that the child is entitled to Rs.7000/- per month in excess of the amount already awarded under PWDV Act and Order dated 08/04/2021 is not subject to adjustment with the Order passed by Ld. J.M. 4th Court, Howrah.

Fix 14/10/2022 for payment.

D/C by me

Judicial Magistrate, 1st Class,
3rd Court, Howrah

Yesmin Ara Khatun, (JO Code WB01335)
Judicial Magistrate, 1st Class
3rd Court, Howrah