

04.02.2025

Today is fixed for payment.

Petitioner is present.

O.P files represented hazira.

Ld. Advocate of both sides found present on call.

Petitioner files an application praying for recovery of arrear maintenance to the tune of Rs.84000/- from the month of July 2024 to January 2025. Let it be kept with the record.

Ld. Advocate for O.P files an application for depositing Rs. 12000/- to Judicial Cashier in terms of arrear maintenance. It is also argued by the Ld. Advocate for the O.P that maximum portion of the arrear maintenance has been paid by the O.P and so he is willing to deposit Rs.12000/- to Judicial Cashier.

On the other hand Ld. Advocate for the petitioner vehemently raised objection and submits that the Court by its order dt. 19.09.2023 in Misc case no.-677/2022 allowed Rs.12000/- per month as interim maintenance to the petitioner and her minor daughter and since 03.09.2024 the O.P only paid Rs.12000/- per month which is the current arrear maintenance but no money has been paid in respect of arrear maintenance. Moreover, the petitioner in urgent need of money for the educational expenses of her daughter. Furthermore, till date the total arrear amount is Rs.132000/-. So, the petition should be rejected and warrant shall be issued against him.

Heard both sides.

It transpires from the record that it is rightly submitted that the O.P has been paying Rs.12000/- per month since 03.09.2024 and the petitioner accepted this money but at present having regard to the facts and circumstances of the present case and scurtinizing the documents of the educational expenses of the minor daughter of the petitioner and considering the quantum of amount of arrear maintenance petition filed by the O.P is considered and rejected.

Accordingly petition filed by the O.P is considered and rejected.

Later

Petitioner files a petition praying for issuing W/A against the O.P.

It transpires from the record that earlier no distress warrant was issued against the O.P to recover the arrear maintenance and so at this stage the Court shall issue D/W at first against the O.P before issuing W/A against the O.P.

Let the petition filed by the petitioner be kept with the record.

Issue D/W against O.P.

Requisites at once.

To 02.04.2025 for E/R of D/W.

D/C

J. M. 2nd Court
Howrah.