

19.05.2026

Today is fixed for passing of necessary order.

The petitioner is absent before this court.

The OP is present before this court.

The Ld. Lawyer appearing for the petitioner submitted a petition with a prayer to “institute necessary process for realization and execution of the interim maintenance”.

Copy served.

It is pertinent to mention here that the Misc. Case, from which the present Misc. Execution Case has arisen, is also presently pending before this Court. In the said main proceeding, the petitioner has submitted that she is presently undergoing menstruation and that today is the second day of her menstrual cycle. On such ground, it has been stated that she is physically unable to appear before this Court, and accordingly, the Ld. Lawyer appearing on behalf of the petitioner has prayed for an adjournment in the said main case.

However, it is noteworthy that while seeking adjournment in the principal Misc. Case on the aforesaid ground, the petitioner at the same time intends to proceed with the instant Misc. Execution Case before this Court. Such conduct has been brought to the notice of this Court during the course of hearing.

The Ld. Lawyer appearing for the OP raised strong objection against the petition filed by the petitioner and vehemently argued that the instant petition is not maintainable in the eye of law. It was further submitted that the petitioner cannot simultaneously seek adjournment in the main proceeding on the ground of inability to appear before the Court and, at the same time, seek continuation of the present execution proceeding arising out of the very same matter. Accordingly, the Ld. Lawyer for the OP prayed for rejection of the petition and for appropriate orders in accordance with law.

Fix 04.06.2026 for hearing of the petition and objection if any in the meantime.

Dictated and correct by me

Sd/-

Judicial Magistrate,

1st Court, Howrah

Sd/-

(Disha Barai)

(JO Code WB01420)

Judicial Magistrate,

1st Court, Howrah