

Misc Exe Case No. - 149 of 2019
J.O. Code : WB01108

Order dated : 29.01.2026.

Today is fixed for order. Both parties have filed their respective haziras. Ld. Advocates for the parties are present.

Perused the record and the petition dated wherein the OP has prayed for dismissal of the instant case as he has already made excess payment of the arrears amount to the petitioner. Perused the statement of accounts of the parties.

It appears from the record that the petitioner had initially filed the instant Misc Execution Case on 15.07.2019 claiming arrears maintenance amount of Rs. 4,34,000/- from the period 05.05.2014 to till date. Thereafter this Ld. Court vide order dated 27.11.2019 had allowed the petitioner for recovery of the arrears accrued for a period of one year from 1.08.2018 to 10.07.2019 (for the amount of Rs. 84,000/-) as her claims exceeded the stipulated time as per the statute. Subsequently the OP husband then made payment of Rs. 94,000/- from 31.12.2019-05.01.2021 with an excess payment of Rs. 10,000/- from the total claim of Rs. 84,000/-. Thereafter no further petition for further claims was filed by the petitioner but still the OP went on making payment of Rs. 1,73,000/- from 23.02.2022 to 12.03.2024. No doubt the petitioner is entitled to receive maintenance from the OP as per the order dated 06.05.2014 @ Rs.7,000/- per month but it is also the duty of the petitioner to make her further claims as per law after each of the dues accrued and cannot be sleeping over her rights and then be pointing fingers.

Perused the last claim of Rs. 70,000/- for the period March 2024 to December 2024 filed on November 10.11.2024 and after 12.03.2024 the OP has not made any payment to the petitioner as such the OP is directed make payment of Rs. 10,000/- from the next date onwards.

Fix 26.02.2026 for payment.

Judicial Magistrate
5th Court, Howrah.