

IN THE COURT JUDICIAL MAGISTRATE, 2ND COURT AT ULUBERIA,
HOWRAH
PRESENT : SHAHID PARVEZ
J. O CODE NO. WB01233
Misc. Exe. 89/2022

Order Date : 08-04-2024

Today is fixed for further payment.

Both parties are present.

OP makes payment of Rs. 2,000/-.

Receipt of amount Rs. 2,000/- are filed by the petitioner.

Ld. Advocate for the OP submitted that the OP has paid the amount to the petitioner and her minor children which is liable to adjusted since Jui Das (petitioner no. 2) got married and hence, she cannot get maintenance. The marriage of petitioner no. 2 is admitted by the advocate of the petitioners.

The Court perused the materials on record, from which it appears that petitioners have filed the execution case firstly in respect of five months on and from 22.04.2022 to 21.09.2022 amounting to Rs. 16,000/- and the petitioners have further added their arrear claim on 27.07.2023 in respect of Rs. 22,000/- for ten months from 21.09.2022 to 21.07.2023.

The Court further finds from perusal of record that OP has paid Rs.3,500/-, Rs.1,000/-, Rs.1,000/- & Rs.5,000/- on 25.11.2022, 27.12.2022, 22.03.2023 & 30.05.2023 respectively. These payments are made prior to adding of the subsequent addition of arrear claim. It means the OP has paid Rs. 10,500/- out of Rs. 13,000/- of the first claim since it is admitted position that petitioner no. 2 married on 26.06.2022, so she will get maintenance only for two months i.e. on and from 22.04.2022 to 22.06.2022. The OP has paid subsequently paid Rs. 1,500/-, Rs. 2000/- Rs.1,000/-, Rs.1,500/-, Rs. 4,000/-, Rs. 1,500/- & Rs.2,000/- on 27.07.2023, 29.08.2023, 29.09.2023, 02.11.2023, 03.01.2024, 05.02.2024 & 07.03.2024 respectively in total Rs. 13,500/- out of Rs. 22,000/- .

The above discussion shows that the OP has not paid of Rs. from the date of addition of claim of Rs. 2500/- in respect of first claim before filing of addition of claim and Rs. 8500/- in respect of addition of claim, which means till now Rs. 11,000/- is due to be paid by OP to the petitioner no. 1 & 3.

To **09-05-2024** for further payment.

D/C

Shahid Parvez
Judicial Magistrate, 2nd Court
Uluberia, Howrah
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