

Money Execution Case No. 02 of 2025
C.N.R. No. WBJP01-001984-2025

Order No. 18, dated – 06.08.2026,

Today is fixed for hearing of this Money Execution Case along with connected application order Order 21 Rule 48 read with sec.151 of the C.P.C. as filed by the petitioner.

Hazira has been filed on behalf of the petitioner/Dhr. and the respondent / O.P./ Jdr. through their respective Ld. Advocate.

However, when the matter is called on, none appears on behalf of the respondent/ O.P./ Jdr.

Ld. Advocate appearing on behalf of the petitioner/ Dhr. is present and has pressed for hearing of the present Money Execution case along with connected application under order Order 21 Rule 48 read with sec.151 of the C.P.C. as filed on behalf of the petitioner.

Upon perusal of the record, it appears that one petition has been filed on behalf of the respondent/ O.P./ Jdr. on 07.01.2026 for passing necessary order for payment by installment regarding all the due decretal amount.

Upon perusal of the record, it appears that written objection has been filed in respect of application under order Order 21 Rule 48 read with sec.151 of the C.P.C. as filed by the petitioner. However, no written objection has been filed on behalf of the petitioner against the petition for payment of decretal amount by installment.

Upon perusal of the record, it further appears that, vide order No.17 dated 15.07.2026, it has been observed by this court that no further time will be given to the respondent/ O.P./Jdr. if he fails to appear on this day to defend his case. In spire of repeated calls, none appears on behalf of the respondent/ O.P./ Jdr. Now this court is inclined to take up the hearing of the present Money Execution case along with all the connected applications.

Now the matter is taken up for hearing.

Heard in full.

Next date is fixed for passing order.

Fix 12.08.2026 for passing order.

Dictated & corrected,

District Judge, Jalpaiguri
(WB01135)

District Judge, Jalpaiguri
(WB01135)

Order No. 19, dated – 12.08.2026,

Today is fixed for passing order.

Hazira has been filed on behalf of the petitioner/Dhr. through her Ld. Advocate.

None appears on behalf of the respondent/ O.P./ Jdr. to oppose this Money Execution case along with application as filed on behalf of the petitioner/ Dhr. under order Order 21

Rule 48 read with sec.151 of the C.P.C. and also to press the petition as filed on behalf of the respondent/ O.P./ Jdr. on 07.01.2026 for passing necessary order for payment of decretal amount by installment, when matter was called on for hearing.

Now the matter is taken up for passing order.

It is a case of the petitioner in this Money Execution case that at the time of disposal of the application under section 24 of the Hindu Marriage Act, 1955 in connection with Matrimonial suit No.136/2020 as instituted by the petitioner / wife under section 9 of the Hindu Marriage Act, 1955, upon hearing of the matter and evidence, there was a direction on the part of the Court for making payment of monthly maintenance @ Rs.10,000/- per month to the petitioner / wife, Smt. Progati Sharma (Mitra) by the respondent/ O.P., Sri Jagadish Sharma being judgement debtor herein and also to pay litigation cost of Rs.5000/- by the respondent/ O.P.

In connection to this Money Execution case, one application has also been filed by the petitioner / wife under order Order 21 Rule 48 read with sec.151 of the C.P.C. for attachment of salary account and other immovable properties, bank account etc of the respondent/ O.P./ Jdr. and has prayed for passing necessary order in this regard as contended on behalf of the petitioner/ wife/ Dhr.

Though at the time of hearing, none appears on behalf of the respondent/ O.P., however, from the written objection as filed on behalf of the respondent/ O.P. in respect of application as filed under order Order 21 Rule 48 read with sec.151 of the C.P.C., it has been contended on behalf of the respondent/ O.P. that the petitioner/ wife has wrongly invoked the provision. Over and above, due to unavoidable circumstances and other following compulsion regarding maintenance of his parents and other statutory obligation regarding reduction from his salary account, the respondent/ O.P. is not in a position to liquidate the decretal amount. However, by application, dated 07.01.2026, as filed on behalf of the respondent/ O.P., it was prayed for granting leave for making payment of decretal amount by way of installment.

Upon perusal of the application for execution and also the application under order Order 21 Rule 48 read with sec.151 of the C.P.C. filed by the petitioner/ wife/ Dhr. and also the application as filed on behalf of the respondent/ O.P./ Jdr. dated 07.01.2026 under section 151 of the C.P.C. and written objection as filed on behalf of the respondent/ O.P./ Jdr. as filed against the application under order Order 21 Rule 48 read with sec.151 of the C.P.C. and after going through the record and considering the submission of the Ld. Advocate appearing on behalf of the petitioner/ wife/ Dhr., it appears to this court that there was an order passed by this court on 06.02.2025, vide order No.81 in Misc case No.27/2020 and in this regard, one interlocutory order has already been passed by this court on 25.09.2025 enabling the respondent / O.P. to pay at least 25 % of the total due amount as on that date to the tune of Rs.5,95,000/- within a week and to give him further opportunity to defend his case, for not making any remarkable submission in connection to this Money Execution case, but that order has not been complied with. However, one petition has been filed on behalf of the petitioner/ wife for attachment of salary account vis-a-vis a petition has been filed on behalf

of the respondent/O.P./ husband for granting leave to pay all the decretal amount by way of installment.

Considering the present facts and circumstances of the case and also considering the conduct of the respondent/ O.P. / husband and also considering long pendency of the present Execution case, at this stage, without giving any further adjournment, this court is inclined to pass necessary order here and now to that extent that 25% of the total due amount as on 25.09.2025, i.e. totaling Rs.5,95,000/-, along with Rs.5000/- as litigation cost to the petitioner/ wife is to be paid within 15 days from the date of this order by the respondent/ O.P./ husband to the petitioner / wife either by way of bank draft or directly to the bank account of the petitioner / wife being Decree holder and the rest balance arrear amount will be paid by the respondent / husband to the petitioner / wife being Decree holder herein @ Rs.10,000/- per month in equal monthly installment along with regular payment being alimony pendente lite to the tune of Rs.10,000/- per month.

So far payment of this equal monthly installment regarding arrear maintenance amount and also regular payment of alimony pendente lite are concerned, that will be attached through salary account of the respondent / O.P./ husband who is the Headmaster of Sarohati Government Primary School at Ranirhat, P.S. Mekhliganj, District- Coochbehar, as it has been mentioned in para-5 of the application under order Order 21 Rule 48 read with sec.151 of the C.P.C. and in this regard, the District Inspector of Primary School being the employer of the respondent/ O.P. is directed to attach his salary account and disburse that amount of Rs.10,000/- per month as arrear maintenance and also Rs.10,000/- per month as regular maintenance amount for alimony pendente lite and the same will be paid after withholding the same from the salary account of the respondent/ O.P./ husband and remitting the same to Judicial Peremptory Cash (P. Cash) maintained in the office of the Ld. Chief Judicial Magistrate, District- Jalpaiguri and the petitioner/ wife is to be given liberty to withdraw the same.

Hence it is -

ORDERED

that 25% of the total due amount as on 25.09.2025, i.e. totaling Rs.5,95,000/-, along with Rs.5000/- as litigation cost to the petitioner/ wife is to be paid within 15 days from the date of this order by the respondent/ O.P./ husband to the petitioner / wife either by way of bank draft or directly to the bank account of the petitioner / wife being Decree holder and the rest balance arrear amount will be paid by the respondent / husband to the petitioner / wife being Decree holder herein @ Rs.10,000/- per month in equal monthly installment along with regular payment being alimony pendente lite to the tune of Rs.10,000/- per month.

So far payment of this equal monthly installment regarding arrear maintenance amount and also regular payment of alimony pendente lite are concerned, that will be paid after attachment of the salary account of the Respondent/ Opposite party.

The District Inspector of Primary School being the employer of the respondent/ O.P. is directed to attach his salary account and disburse that amount of Rs.10,000/- per month as

arrear maintenance and also Rs.10,000/- per month as regular maintenance amount for alimony pendente lite and the same will be paid after withholding the same from the salary account of the respondent/ O.P./ husband and remitting the same to Judicial Peremptory Cash (P. Cash) maintained in the office of the Ld. Chief Judicial Magistrate, District- Jalpaiguri and the petitioner/ wife is at liberty to withdraw the same.

The instant Money Execution case is disposed of. Accordingly, all the pending connected applications are hereby disposed of.

No order as to cost.

Dictated & corrected,

District Judge, Jalpaiguri
(WB01135)

District Judge, Jalpaiguri
(WB01135)