

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

Order No. 08, dated – 25.09.2025.

Today is fixed for further hearing.

Hajira has been filed on behalf of the petitioner and the O.P. through their respective Ld. Advocate.

One application under Order 20 Rule 11 of the C.P.C. has been filed today on behalf of the O.P./ husband. Copy of the same has been served upon the Ld. Advocate appearing on behalf of the petitioner and the same has been received with objection.

Ld. Advocate appearing on behalf of the petitioner has contended that he will oppose this application by verbal submission without filing any written objection.

Now the matter is taken up for consideration.

The petition is heard and considered.

It is a case of the O.P./ husband that considering huge decretal amount as to be payable and due to financial difficulties on the part of the O.P., he prays for passing necessary order enabling the O.P. for making payment of such decretal amount by way of installment within a reasonable period in respect of the order of interim maintenance as passed by this Court in Matrimonial Suit being No.136/2020 as per provision of Sec.24 of the Hindu Marriage Act in Misc Case No.27/2020 and necessary order may be passed considering all aspects as involved in this matter.

Ld. Advocate appearing on behalf of the petitioner / wife has opposed this application with this contention that it was a deliberate effort on the part of the O.P. / husband to frustrate the order of this Court and in view of such effort, the petitioner herein will suffer immense financial hardship and she will suffer irreparable loss and substantial injury and in view of that, the prayer made by the O.P./ husband regarding mode of payment by way of installment, should be rejected.

Upon perusal of the application and after going through the record and considering the submission of the Ld. Advocate appearing on behalf of the respective side, it appears to this Court that as per provision of Order 20 Rule 11(1) of C.P.C. where in so far as a decree is for the payment of money, the Court may for any sufficient reason incorporate in the decree after hearing such of the parties who had appeared personally or by pleader before judgment, the payment as to be made being an amount decreed shall be postponed or shall be made by instalments, with or without interest.

In the present case, the Matrimonial suit has not yet been decreed and it is in the stage of P.H. Therefore, at this stage, there is hardly any scope to pass such order of installment in this Money Execution Case. However, such prayer may be made in the concerned Court, before passing any decree in the Matrimonial Suit.

However, in view of that, this Court is not inclined to entertain this petition, at this stage and the same stands rejected.

However, this Court is giving liberty to the O.P./ husband to move before the concerned Court for passing necessary order as per provision of law in respect of mode of payment.

Considering huge pendency of the total amount, as it is mentioned in the petition of Money Execution Case, amounting to Rs.5,95,000/-, this Court is inclined to give direction upon the O.P. to pay at least 25% of the said amount immediately within a week to the petitioner / wife without prejudice to the rights and contention of the respective parties to this Execution Case.

Next date may be fixed for further hearing.

Fix _____ for further hearing.

Dictated & Corrected by me

District Judge, Jalpaiguri
(WB01135)

District Judge, Jalpaiguri
(WB01135)