

Misc Exe 1 of 2025

Order dated 27.10.2025

Today is fixed for payment of arrear maintenance pendente lite by the OP-husband in terms of the order in Mat suit 306 of 2022 on 05.04.2025.

Both the petitioner-wife and OP-husband filed legal appearance.

Ld counsel for the petitioner-wife and OP-husband are present before the court.

It is submitted by the Ld counsel for the petitioner for issuing warrant of arrest against OP-husband under order 21 rule 38 CPC unless the amount ordered to be paid together with interest and cost which the OP-husband is liable to pay, be sooner paid.

It is submitted by the ld counsel for the OP-husband that he should be given an opportunity to file show cause against detention in civil prison for non payment of pendente lite.

As per order 21 rule 30 CPC every decree for payment of money may be executed by detention in civil prison of the JDR or by attachment or sell of his property. However, under order 21 rule 37 the court instead of issuing warrant for arrest of the JDR may issue notice calling upon him to file show cause why he should not be committed to the civil prison.

Considering the above aspect the OP is directed to file show cause as last chance as to why warrant shall not be issued against him order 21 rule 38 CPC for non payment of maintenance pendente lite. Fixing 29.11.2025 for filing show cause by the OP as last chance id necessary order.

Addl. Dist. & Sessions Judge, F.T.C. -1,
Alipurduar.
J.O. Code W.B. 01009