

Mat. Ex. 02/25 (CIS 02/25)

Order dated 04.06.2026

Today is fixed for SR and appearance of the JDR.

This execution case has been filed for recovery of payment of arrear maintenance pendente lite by the petitioner-wife from the OP-husband in terms of the order in Mat suit 303 of 2023 passed on 20.02.2025.

The petitioner-wife filed legal appearance.

Ld counsel for the petitioner-wife is present before the court.

Received notice sent through India Post as refused by the JDR/OP-husband.

It is submitted by the Ld counsel for the petitioner that warrant of arrest be issued against OP-husband under order 21 rule 38 CPC for non payment of maintenance pendente lite which the OP-husband is liable to pay in accordance with the order of this court dated 20.02.2025.

Now, the petitioner-wife/DHR filed this application for execution of decree for payment of maintenance pendente lite. The court under order 21 rule 37 CPC, instead of issuing warrant for arrest of the JDR had issued notice calling upon him to file show cause why he should not be committed to the civil prison. However, the JDR/OP-husband refused to receive the notice sent by this court and did not file his show cause.

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.

Considering the above aspect let process under order 21 rule 38 CPC be issued against the OP-husband/JDR for non payment of maintenance pendente lite.

Petitioner files requisite it served at once.

Fixing 01.08.2026 for SR and appearance of the JDR.

Addl. Dist. & Sessions Judge,
FTC-I, Alipurduar.

Additional Dist. & Sessions Judge,
1st Fast Track Court, Alipurduar.