

Ex. 624 of 2023

Order dated 20.03.2026

Today the record is placed by put up petition.

OP appears by filing fresh Vakalatnama and files a petition with a prayer to pay an amount of Rs. 10,000/- in respect of arrear maintenance and also prays for recall W/A.

Petitioner is present by filing hazira alongwith her Ld. Advocate.

Heard Ld counsel for both sides. No objection is raised by the petitioner to recall W/A.

Perused the record.

On perusal, I find that this court was pleased to issue W/A against the remaining amount and out of which the OP wants to pay an amount of Rs. 10,000/-.

Considering the same, I do not find any legal impediment to allow the instant petition.

Hence, it is-

ORDERED

that the instant petition filed by OP with a prayer to recall W/A is **allowed** without any cost.

An amount of Rs. 10,000/- has been paid to the petitioner and **a money receipt is filed in this regard.**

Recall W/A accordingly.

Petitioner moves the petition dated 16.03.2026 for execution of amount of Rs 80,100/- for the arrear maintenance amount for the period of 23.12.2023 to 16.03.2026.

Heard both sides. No objection is raised by the OP.

Perused the petition as filed today for the further arrear amount of Rs 80,100/- and other materials on record.

Considering that as per the kind decision of the Honourable Supreme Court of India reported in **2005 SUPREME COURT CASES (Cri)Page 1089** no further execution case is required to be filed and the further claim of arrear maintenance on the part of the petitioners can be filed through the present/current execution petition as such as per the kind decision of the Honourable Supreme Court the petitioner do not require to file any fresh execution petition of further arrear maintenance claim amount and any new petition for fresh arrear claim can be filed in the old pending execution case i.e. in the present execution case.

The opposite party is hereby directed to pay the arrear maintenance amount of Rs 80,100/- for the arrear maintenance amount for the the period of 23.12.2023 to 16.03.2026 to the petitioner.

To **30.04.2026** for further payment positively.

BC-I is directed to take a note of it.

Recall W/A.

D/C by me,

ACJM, 2nd court,
Lalbagh, Murshidabad
(In-charge)

ACJM, 2nd court,
Lalbagh, Murshidabad
(In-charge)