

M.Ex.-31/24

Order dt.13.02.25.

Today is fixed for awaiting order of the Ld. Higher Court.

Ld. Advocates for both sides are present.

Ld. Advocate for the OP produces photocopy of an order passed by the Ld. ADJ, 8th Court, Barasat, North 24 Pgs submitting that on 05.10.24 in Crl. Motion no. 24/24 the Ld. Judge was pleased to stay further proceedings in connection with M.Case 37/22 subject to the condition that the OP will pay Rs.8000/- p.m to the petitioner within 10th day of each succeeding English Calendar month. On being asked Ld. Advocate for the OP submitted that in compliance to the said order he has been paying the current maintenance in M-37/22. On further being asked whether he will pay in the instant case as directed by the Ld. Sessions Judge, he answered negatively.

Considering the above, appreciating the fact that Ld. Advocate for the OP is paying maintenance as per direction of Ld. Sessions judge in M-37/22, I failed to understand what will be the fate of the arrear amount already accrued in connection with the said case resulting germination of the instant execution matter.

Considering the above, I think although stay has been granted in M-37/22, there is no legal impediment to realize the arrear amount in terms of the order referred above, in this case as per law.

Hence, issue warrant against the OP.

Requisite at once.

Let copy of the order be kept with the record for future reference.

Dictated by,

ACJM

ACJM.,Bidhannagar