

Order dated : 05.03.2025

Today is fixed for payment and filing of document.

Both the parties are present by filing hazira.

On 04.02.2025 at the time of hearing the Ld. Advocate for the OP submitted that he had made payment to the petitioner in cash. It is admitted by both the parties that the amount of Rs.62,000/- has been paid in cash. Ld. Advocate for the OP also submitted that the OP had paid Rs.25001/- in cash. He had undertaken to bring the said receipt before this court.

Today at the time of hearing Ld. Advocate for the OP produced one fixed term deposit in the name of his son of an amount of Rs.25001/- but he did not file the same. However, on the last date it was submitted that the said amount was paid in cash as per the Ld. Advocate for the OP. As such he failed to prove the payment of Rs.25001/- in cash.

On perusal of the case record it appears that an order for attachment of the salary of the OP was allowed by this court on 13.03.2023 until the arrear maintenance amount of Rs.1,83,000/- is realized. It has been admitted by both the parties that the petitioner has made a total claim of Rs.4,90,000/- out of which the Rs.2,31,625/- has been deducted from the salary of the OP as per the direction of the court. It is also admitted that the OP has paid Rs.33,500/- by way of money or order. As per the Ld. Advocate for the petitioner the OP has paid Rs. 62,000/- in cash.

OP did not make any payment today.

On 3.12.24, OP was directed to make payment of Rs.15000/- on the next date. On 03.01.2025 due to the resolution of the Bar no payment was made. Thereafter on 04.02.2025 again he did not make any payment. The amount of Rs.1,62,875/- is still due as per the above observation. Today again no payment is made.

Considering the conduct of the OP the warrant may be issued against him with respect to the due amount.

To **05.4.25** for ER/WA.

Later

It is found that one petitioner paying for time for making payment has been made by the OP along with the copy but the said petition is not moved nor the copy has been served to the Ld. Advocate for the petitioner.

Since, the petition was filed subsequently without the knowledge of this court and the same has not been moved I do not find it fit and proper to allow the same.

The time prayer is hereby rejected.

To date.

Typed and printed by me,

J.M, 3rd Court, Barrackpore.

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