

**Misc Execution 01 of 2024 [R- 1/24]****Order No. 13 dated 18.12.2025: -**

Heard the parties and perused the record, including the petition papers filed in execution bearing Misc. Execution-01/2024 (arising out of Matrimonial Suit No. 48/2017) and the annexures relied upon by the parties, more particularly the order dated 17.05.2023 passed by the Learned 1st Additional District Judge, Alipore and the subsequent order passed by the Hon'ble High Court in CO/2816/2023 dated 16.04.2024 together with the correspondence exchanged between the parties on 13.05.2024 and 14.05.2024 furnishing bank particulars.

The material facts, as recorded in the petition and the annexures, are not in dispute. By order dated 17.05.2023 the trial court had awarded alimony pendente lite and litigation cost and fixed the total alimony pendente lite due up to September, 2025 at Rs.17,20,000/- together with litigation cost of Rs.30,000/-, making the total amount due Rs.17,50,000/-. The Husband challenged that order and obtained interim relief from the Hon'ble High Court by its order dated 16.04.2024. The operative directions of the High Court required the Husband to make payment of maintenance pendente lite of Rs.15,000/- per month with specified payments towards litigation cost and towards arrear maintenance to be paid in instalments commencing May, 2024. The record before this Court shows that the Husband complied with the High Court's directions only for May and June, 2024 by making payments of Rs.45,000/- in each of those months but thereafter made only a partial payment for July, 2024 (Rs.15,000/-) and failed to make any payment for August, 2024 and subsequent months. The petitioner/wife has therefore moved this Court by way of execution and under Section 151, CPC for recovery of the outstanding amount and for such further directions as may be necessary to secure regular and adequate maintenance.

Having considered the pleadings, the orders of the trial Court and the Hon'ble High Court and the conduct of the Husband in default of the decrees/directions made in the earlier orders, this Court is of the opinion that execution of the decretal amount and a firm direction for payment of periodical maintenance are required to prevent the petitioner/wife from being left destitute and to secure compliance with the judicial orders already passed.

Accordingly, the petition filed in Misc. Execution-01/2024 is allowed in part in the following terms.

1. The Respondent/Husband, Mr. Bikash Kanri, is directed to pay to the petitioner/wife, Mrs. Urmi Kanri, the decretal/arrear amount of Rs.17,50,000/- (Rupees Seventeen Lakh Fifty Thousand Only) which comprises arrear alimony pendente lite and the litigation cost as quantified in the order dated 17.05.2023.
2. The said sum of Rs.17,50,000/- shall be paid by the Respondent/Husband to the petitioner/wife in five equal monthly instalments of Rs.3,50,000/- each, the first instalment to be paid within fifteen (15) days from the date of this order and

the remaining instalments to be paid successively on or before the fifteenth day of each succeeding month thereafter until the entire sum is discharged.

3. In addition to payment of the arrears as above, the Respondent/Husband shall pay to the petitioner/wife maintenance pendente lite at the rate of Rs.25,000/- (Rupees Twenty Five Thousand Only) per month with effect from the month following the date of this order. Each monthly instalment of maintenance shall be paid on or before the tenth day of the month to the bank account particulars already furnished by the petitioner and recorded in the petition papers dated 14.05.2024. Payments shall be made by bank transfer so as to create an immediate electronic record; cheques shall not be used except by prior consent of the parties in writing.
4. The Respondent/Husband shall make the payment of the first instalment of Rs.3,50,000/- within fifteen (15) days as directed above and shall simultaneously pay the maintenance for the month in which such payment falls due. Thereafter the Respondent shall continue to pay the monthly maintenance of Rs.25,000/- by the tenth of each month as directed.
5. In the event of any failure, omission or default by the Respondent/Husband in making any instalment of the arrear sum or any monthly maintenance payment within the time prescribed above, the petitioner/wife shall be entitled to proceed in execution for recovery of the outstanding sum and this Court will be entitled to order attachment and sale of the movable properties of the Respondent/Husband, or such other measures of execution as are available under the Code of Civil Procedure, 1908, without further reference to the Respondent/Husband. For the purpose of effective enforcement, the process-executing officer is hereby directed to trace and attach movable assets, bank balances and other receivables of the Respondent/Husband as permitted by law, in default of payment.
6. The Respondent/Husband is directed to file, within fifteen (15) days from the date of this order, an affidavit giving full particulars of all his movable assets, bank accounts (with account numbers and details for the last three years), sources of income and liabilities. Failure to file such affidavit truthfully shall attract appropriate coercive measures under the Code, including attachment of assets, and may be treated as contempt.
7. No order as to costs beyond the litigation cost already quantified in the decretal amount is made. The petitioner/wife shall be at liberty to recover any further expenditure properly incurred in executing this order as part of the execution process if so established.
8. Registry is directed to communicate this order to the Respondent/Husband by registered post at his last known address and to furnish a copy to the executing officer for necessary action. The petitioner shall also be served with the particulars of payments received and with a statement of outstanding amounts from time to time.

This order is passed to secure compliance with the judicial directions already made and to protect the rights of the petitioner/wife who, on the record before this Court, has been left in precarious circumstances on account of the Respondent/Husband's non-compliance. The Court expects prompt compliance with the directions contained herein. If the Respondent/Husband considers that any provision of this order places an unreasonable burden on him, he must approach this Court by way of appropriate proceedings and not resort to non-compliance.

BC-I will place a copy of this order on the file of Matrimonial Suit No.48/2017 and Misc. Case No.480/2019 and proceed with execution as directed.

Ordered accordingly.

To **11.03.2026** for steps by DHR.

D/C by me

Additional District Judge,  
1<sup>st</sup> Court, Alipore

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