

**M Ex 161/2023 (Regn. no. 161/2023)**

**Order dt. 28-02-2024.**

Today is fixed for necessary order. Petitioner files hazira. O.P. appears by filing vakalatnama and files hazira along with petition praying staying the proceeding of the execution case till disposal of Misc Case no. 01/24.

It is submitted on behalf of the O.P. that Misc Case no. 01/24 has been filed for setting aside the ex parte order.

Heard. Perused. Considered. The instant execution case has been filed by the petitioner claiming realization of arrear of maintenance due for the period from 29-07-2022 to 28-10-2023 as per order dated 29-09-2023 passed in M. 236/2022 u/s 125 of CrPC. There is no provision in CrPC enabling the Magistrate to stay any proceeding, specially the execution proceeding. Accordingly, prayer of O.P. stands rejected being not sustainable.

O.P. has not taken any steps for payment of the arrear of maintenance as due in this case. Hence issue D/W against O.P. for realization of the arrear of maintenance as due in this execution case till the period up to 28-10-2023.

Petitioner is to file necessary requisites.

To 20-04-2024 for E/R of D/W.

Necessary requisites at once.

Typed and printed by me.

Sd/-

A C J M

Kakdwip, South 24-Parganas.

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