

GAHC010059732025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP(IO)/107/2025

SRI RATUL BORAH
S/O-LATE BHUBAN BORAH, VILL- SIBASAGARIA, PHULBARI, P.O-
PHULBARI, P.S- LALUK, DIST-LAKHIMPUR, ASSAM. PRESENT ADD-
ASSOCIATE PROFESSOR, DEPARTMENT OF PHILOSOPHY, BIHPURIA
COLLEGE, P.S.- BIHPURIA, DIST- LAKHIMPUR, ASSAM

VERSUS

SMTI JUNALI HAZARIKA @ JULI
D/O- SRI DAMBARU HAZARIKA, R/O WARD NO.6, NARAYANPUR TOWN
(COLLEGE PARA), P.O- DIKONG, MOUZA- KHERAJKHAT, P.S- BIHPURIA,
DISTRICT- LAKHIMPUR, ASSAM

Advocate for the Petitioner : DR. B N GOGOI,

Advocate for the Respondent : ,

BEFORE
HON'BLE MR. JUSTICE ROBIN PHUKAN
ORDER

27.03.2025

Heard Mr B Gogoi, learned counsel for the petitioner.

2. This petition under Article 227 of the Constitution of India, is preferred by the petitioner challenging the order dated 31.05.2024, and also the order dated 22.12.2023, passed in Misc (J) Case No. 1/2021 and the order dated 01.03.2025, passed by the learned District Judge, Lakhimpur, North Lakhimpur, in Title

Execution Case No. 1/2024.

3. It to be noted here that vide impugned order dated 31.05.2024, the learned District Judge has directed to register one title execution case upon the Misc (J) Case No. 1/2021, arising out of Title Suit (D) No. 15/2010 and vide order dated 22.12.2024, the learned District Judge has directed the petitioner to deposit remaining amount of permanent alimony, along with monthly maintenance allowance on the next date and vide impugned order dated 01.03.2025, the learned District Judge has called for the salary slip of the petitioner from the Principal, Bihpuria College, North Lakhimpur and also issued notice to the petitioner to show cause as to why his salary should not be attached for realization of the decretal amount as per Order 21 of the CPC and further directed the respondent herein to file land document in respect of Serial Nos. 2 and 3 and a copy of registration certificate of Serial No. 4 property, mentioned by her in the list of movable and immovable property of the judgment debtor, and fixed the matter on 29.03.2025 for submission of salary slip by the Principal of Bihpuria College, payment by the petitioner, and report on the writ of attachment issued against petitioner.

4. Mr Gogoi, learned counsel for the petitioner submits that on 01.03.2025, the petitioner could not remain present before the learned Court of District Judge, North Lakhimpur, as he was busy in conducting Higher Secondary Examination in his College and that the petitioner is ready to make payment of the entire amount and he has applied for a loan from a Bank and as soon as he receives the loan, he will make payment of the entire amount of alimony and that the learned District Judge also issued writ attachment and in the event of attachment of his salary, it would be difficult to maintain himself and, therefore, Mr Gogoi submits that the impugned order dated 01.03.2025, may be stayed, till disposal of this present

revision petition.

5. Mr Gogoi, learned counsel for the petitioner further submits that the petitioner was directed by the learned District Judge, North Lakhimpur, to make payment of Rs. 10 lacs as permanent alimony, within a period of 5 (five) months, in 5 (five) installments, vide Judgment and Order dated 22.12.2023, and, thereafter, the petitioner had paid a sum of Rs. 3,75,000/-.

6. Perused the petition and the documents placed on record and also perused the impugned orders dated 31.05.2024, 22.12.2023 and 01.03.2025.

7. Let notice be issued to the respondent, returnable in 4 (four) weeks.

8. Steps be taken by registered post with A/D and also by usual process, within a week from today.

9. Taking note of the submissions of the learned counsel for the petitioner and also considering the facts and circumstances on the record, the impugned order dated 01.03.2025, so far it relates to attachment of salary of the petitioner is concerned, stands stayed, subject to payment of a sum of Rs. 5 lacs, being the permanent alimony, before the Court of learned District Judge, North Lakhimpur, within a period of 10 days from today. If the petitioner fails to deposit the said amount of Rs. 5 lacs before the Court of learned District Judge, North Lakhimpur, then the stay order would automatically stand vacated.

10. List the matter after 4 (four) weeks.

JUDGE

Comparing Assistant