

08 08.09.23

Ct. No. 04

akd

F.A.T. 569 of 2018

CAN 3 of 2021

CAN 4 of 2021

CAN 5 of 2021

CAN 6 of 2023

Sri Sanjib Poddeer

Vs.

Smt. Debjani Podder

Re: CAN 6 of 2023

Mr. Indranath Mukherjee,

Mr. Deb Kumar Chandra.

... for the applicant/respondent.

This is an application at the best of the respondent/wife claiming arrear alimony pendente lite which, according to her, is due from the month of February, 2021.

Paragraph 4 of the instant application reveals the details of the payments made by the appellant to the respondent/wife through electronic mode; wherein it is indicated that the last payment was done for the month of January, 2021 on 11th July, 2021. It is further indicated that the appellant is irregular in making payment of the alimony pendente lite and after the month of January, 2021 there is a complete stoppage of payment of maintenance. It is further averred that up to the month of June, 2023 there is an accumulation of Rs.5,80,000/- on account of arrear maintenance.

At the time of moving the instant application it is submitted that since the filing of the instant application the monthly maintenance for the month of July and August, 2023 has also fallen due and since they have not been paid, becomes arrear. It is submitted that as on date there is an accumulation of Rs.6,20,000/- on account of arrear monthly maintenance.

It appears that service was directed to be effected upon the appellant. On earlier occasion the learned

Advocate, who filed the instant appeal and still acting as an Advocate on record, was sought to be served, but there was a reluctance on his part to accept the same. The postal article containing the copy of the application sent to the appellant returned with remark “door locked – intimation served”. Thereafter nobody claim the same.

In order to avoid any complication and to give another chance, we directed the service of the copy of the application as well as the letter containing the prayer for mentioning the matter through WhatsApp. The affidavit of service filed today reveals that the mobile number of the petitioner has been blocked by the appellant though the icon shown therein indicates that the same is delivered to him and, in fact, read by him; even a notice was sent to the learned Advocate on record of the appellant through WhatsApp which appears to have been delivered and read by him.

Despite the same there is no appearance on behalf of the appellant. The Court is not supposed to wait because of refusal of the learned Advocate on record of the appellant to accept the application nor should we wait for the response of the appellant, as the service through the aforesaid mode has been effected upon the appellant.

Since there is no counter evidence produced before us that the monthly maintenance after the month of January, 2021 has been paid to the respondent/petitioner, which would further be evident from the statement of bank accounts held by the respondent where the said monthly maintenance was deposited through electronic mode, we do not find any impediment on the part of the Court to allow the instant application.

We, therefore, dispose of the instant application directing the appellant to pay the arrear monthly

maintenance of Rs.6,20,000/- within three weeks from date in the same manner as has been done earlier and shall also continue to pay the current monthly maintenance at the rate of Rs.20,000/- per month on and from September, 2023 in terms of the order passed by this Court in the instant appeal.

CAN 6 of 2023 is thus disposed of.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)