

Court No. 6
(265719)

13.08.2026
(A 858)
(S. Banerjee)

CO 677 of 2026

Mou Chatterjee
Vs.
Debojyoti Chatterjee

Mr. Gautam Brahma
Ms. Pampa Saha
Mr. Subhajit Chattopadhyay

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the wife and is directed against order no 56 dated November 14, 2025 passed by the learned Additional District Judge, Fast Track 4th Court at Barasat, North 24 Parganas in Matrimonial Suit No. 1168 of 2015. By the order impugned, the alimony pendente lite was enhanced.

Learned advocate appearing for the petitioner submits that the petitioner prayed for enhancement of the alimony pendente lite from Rs. 8,000/- to Rs. 77,000/- per month. He submits that considering the present day price index a sum of Rs. 12,000/- per month is not sufficient for the maintenance of the wife. He places reliance upon a decision of the Hon'ble Supreme Court in the case of *Sipra Bhattacharya – Vs.- Dr. Aparesh Bhattacharya*, in Civil Appeal No. 307 of 2009 reported at (2009) 4 SCC 366.

The alimony pendente lite was fixed at Rs. 8,000/- per month sometime in the year 2016. The application for enhancement of alimony pendente lite was filed sometime in the month of July, 2024.

Learned trial judge after taking note of the increase of salary from Rs. 2,66,752/- in the year 2021 to Rs. 3 lacs per month at the time of passing the impugned order, enhanced the alimony pendente lite to Rs. 12,000/- per month.

In *Sipra Bhattacharya (supra)* the order of the High Court in Civil Revision application on alimony matter was challenged before the Hon'ble Supreme Court. The High Court while hearing the civil revision application arising out of an application for alimony pendente lite after fixing an amount on account of alimony pendente lite observed that it shall not be open to the opposite-party therein to press for any enhancement of the existing amount of alimony pendente lite before the learned trial judge.

Thus, the issue before the Hon'ble Supreme Court was whether the direction passed by the High Court while disposing of an a civil revision application arising out of an order passed in a proceeding for alimony pendente lite could not have been a bar in filing an application for enhancement of alimony pendente lite. On such issue the Hon'ble Supreme Court directed enhancement of the alimony pendente lite.

There is no quarrel to the proposition of law that due to passage of time if the income of the husband is increased, the alimony pendente lite may also have to be increased considering the price index.

Learned trial judge in the case on hand after considering that the matrimonial suit is at the stage of cross-examination of PW-1, enhanced the alimony pendente lite to Rs. 12,000/- per month.

Petitioner did not challenge the amount of alimony fixed by the learned trial judge sometime in the year 2016.

This Court finds that there has been an increase of income of the husband to the extent of Rs. 30,000/- from 2021 till the passing of the impugned order. The enhancement of alimony to the extent of Rs. 4,000/- considering the increase in income of the husband appears to be reasonable. The order impugned directing enhancement of the amount of alimony pendente lite do not call for any interference by this Court.

Accordingly, this civil revision application stands disposed of with the aforesaid observations.

(Hiranmay Bhattacharyya, J.)