

Party Name : PAPIA MAJUMDER (KAR) Vs DEBARSHI KAR

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HONBLE THE CHIEF JUSTICE DEEPAK GUPTA THE HONBLE MR JUSTICE U. B. SAHA

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This is an appeal filed by the wife for enhancement of the cost of litigation awarded by the learned Family Court.

The husband is serving the BSNL and it is an admitted fact that his income is about Rs.35,000/- per month. It is also not disputed that the wife is an officer in the Union Bank of India and her salary is Rs.36,650/- per month. Therefore, the wife is earning more than the husband. The only ground raised by the wife is that the wife and the husband were living in a joint house the rent of which is Rs.10,500/- per month. Nobody is forcing the wife to live in the house which was rented by the husband. If she cannot afford to live in the same or if she feels that after the husband has left her she needs to live in cheaper accommodation nothing prevents her to shift to a smaller accommodation having less rent.

As far as cost of litigation is concerned, the amount of Rs.5,000/- awarded by the Family Court is just and reasonable especially, keeping in view the fact that the income of both the spouses is almost identical.

At this stage, we are not going into the merits of the allegations made by the party. We cannot, at this stage, decide who is right or who is wrong. However, when the income of the spouses is almost equal and in fact, the wife is earning more than the husband, there is no question of enhancing the amount of litigation expenses awarded by the Family Court.

Therefore, we find no merit in the appeal which is, accordingly, dismissed.