

(10, 11, 12 & 13)
16.12.2020
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

(Via Video Conference)

**CO 192 of 2020
With
CO 3173 of 2017
(IA No : CAN 1/2019) (Old No : CAN 11138/2019)
Partha Pratim Pramanick
-versus-
Sutapa Pramanick**

**With
CO 3612 of 2017
(CPAN 431/2019)
Sutapa Pramanick
-versus-
Partha Pratim Pramanick**

Mr. Tapas Kumar Manna, ... for the petitioner.

Mr. Apurba Kumar Ghosh,
... for the opposite party/wife.

**Re : (IA No : CAN 1/2019) (Old No : CAN
11138/2019)**

This is an application for modification of the order dated August 28, 2018 passed in CO 3173 of 2017 with CO 3612 of 2017.

The wife is the opposite party of the present application. The wife has filed a suit being Matrimonial Suit No. 429 of 2016 pending before the learned Additional District Judge, Fast Track Court II, Howrah seeking dissolution of her marriage with the applicant, *inter alia*, on the ground of cruelty.

In such a suit an order of alimony pendente lite for the wife and the minor child was passed. The husband and wife

both assailed the said order in separate revisional applications being CO 3173 of 2017 and CO 3612 of 2017 respectively.

Both the revisional applications were disposed of by a common order dated August 28, 2018.

The husband by the present application is seeking modification of the said order of alimony, inter alia, on the ground that the wife is gainfully employed in one School namely Bonoful Shishutirtha at 142/5, Shib Gopal Banerjee Lane, Salkia, Howrah – 711106.

The husband has not produced any evidence in support of his said allegation.

The husband admittedly has not complied with the order of alimony pendente lite. The application is aimed to frustrate the said order. The attempt of husband is highly mala fide.

The application being IA No : CAN 1/2019 (Old No : CAN 11138/2019) is therefore dismissed with costs of **Rs. 10,000/-** to be paid by the husband to the wife within two weeks from date.

Re : CO 192 of 2020.

The Learned Trial Judge by the order impugned dated November 29, 2019 has attached the salary of the husband for non-compliance of the order of maintenance pendente lite dated August 28, 2018 passed by this Court in CO 3173 of 2017 with CO 3612 of 2017.

Attachment of salary of the husband is one of the modes to secure the maintenance awarded in favour of the wife and the child.

The husband admittedly has not complied with the order of maintenance pendente lite.

The learned Trial Judge therefore has not committed any jurisdictional error in attaching the salary of the husband, a railway employee.

This Court does not find any illegality and/or infirmity in the order impugned warranting interference.

CO 192 of 2020 is dismissed.

No order as to costs.

Re : CPAN 431 of 2019(In. CO 3612 of 2017).

This is an application for contempt filed by the wife alleging willful violation of the order of maintenance pendente lite dated August 28, 2018 passed by this Court in CO 3612 of 2017 with CO 3173 of 2017.

In view of the order of attachment of the salary of the husband passed by the learned Trial Judge for non-compliance of the order of alimony pendente lite, Mr. Apurba Kumar Ghosh learned advocate for the wife submits that his client does not want to press the application.

CPAN 431 of 2019 is, therefore, dismissed as not pressed at this stage. However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)