

**26.08.2021**

Item No.4  
Ct.No.34  
dc.

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

**CRAN 1 of 2021  
with  
CRAN 2 of 2021  
in  
C.R.R. 533 of 2019  
(Via Video Conference)**

**Smt. Dibya Prasad  
versus  
Vikash Kumar Bari & Ors.**

Mr. Pawan Kumar Gupta,  
Mr. Awadhesh Kumar Rai,  
Ms. Sofia Nesar  
... For the Wife/Petitioner/Applicant in CRAN 2 of 2021.

Mr. Ankit Agarwal,  
Ms. Alotriya Mukherjee  
... For the Husband/Opposite Party No.1/  
Applicant in CRAN 1 of 2021.

This revisional application was disposed of on 20.02.2020 wherein a co-ordinate Bench of this Court was pleased to direct the husband/opposite party no.1 to pay a sum of Rs.10,000/- per month by way of interim maintenance to the wife/petitioner. By the said order, the co-ordinate Bench was pleased to record that the order for grant of maintenance passed by way of interim measure shall take effect from the date thereof.

The application being CRAN 1 of 2021 has been preferred by the husband/opposite party no.1 on the issue that there were facts which were suppressed by the wife and she was earning huge amount which was not placed before this Court for consideration and as such, a sum of Rs.10,000/- by way of interim measure was decided by this Hon'ble Court.

On the other hand, the application being CRAN 2 of 2021 has been preferred at the instance of the wife/petitioner for modifying the order so that the interim maintenance is made applicable from the date of filing of the application.

In view of the fact that the revisional application has been disposed of finally, this Court is not inclined to sit in an appeal over the judgment passed by a co-ordinate Bench of this Court. If there are changed circumstances, as contended by the learned advocate for the husband/opposite party no.1, the same should be brought before the learned Magistrate by invoking appropriate provisions of law which the learned Magistrate would consider by adhering to such provisions.

So far as the contention of the wife/petitioner is concerned, at the time of final disposal of the revisional application, if the learned Magistrate is of the view that the maintenance shall be awarded, the learned Magistrate would consider if such maintenance is to be awarded from the date of filing of the application and assign special reasons for not awarding the same.

With the aforesaid observations, CRAN 1 of 2021 and CRAN 2 of 2021 are disposed of.

Supplementary affidavit filed on behalf of the husband/opposite party no.1 be kept with the record.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

**(Tirthankar Ghosh, J.)**