

**PIYUSH KANODIA VS. RESHMI KANODIA**

**Mr. Debashis Sarkar**  
**..for the petitioner**

This is an application filed by the husband in Matrimonial Suit No.95 of 2018, pending before the learned Principal Judge, Family Court, Calcutta.

The petitioner is aggrieved by an order dated October 25, 2019, passed by the learned Court below while disposing of the application for maintenance pendente lite under Section 24 of the Hindu Marriage Act.

On perusal of the Income Tax return from the assessment years 2012-2013 to 2019-2020, the learned Court below came to the conclusion that the said income tax returns were the self-declaration of the husband but did not bear certification of the Income Tax authorities and could not be relied upon. The learned Court below also found that the minor child was in the custody of the father/petitioner and he was looking after the child. However, considering the fact that the wife had proved that she did not have any income,

which could not be refuted by the husband as any other evidences, a sum of Rs.5,000/- per month was awarded to the wife from the date of the application and Rs.20,000/- was awarded to the litigation expenses.

It is the settled principle of law that an able bodied man had the legal and moral duty to maintain his wife so that she was able to live in the same status and standard as she did in her matrimonial home. Expenses on account of accommodation, essential commodities and medicines etc. were required to be taken into account while awarding maintenance pendente lite.

The learned Court below has taken into account the evidences and factors relating to awarding of maintenance.

I do not find any illegality and/or irregularity in the order impugned and the revisional application is not entertained and thus rejected. I also do not find any illegality in the direction of the learned Court below upon the husband to pay arrears from September, 2018 to September, 2019 in five equal monthly instalments at the rate of Rs.13,000/- per instalment along with current maintenance.

Rejection of this revisional application will not stand in the way for the learned Court below to dispose of

the Matrimonial Suit No.95 of 2018 in accordance with law as expeditiously as possible, preferably within a period of one year from the date of communication this order.

The petitioner is directed to serve a copy of the revisional application along with a server copy of this order upon the opposite party within a week from date.

This revisional application is disposed of.

There will be however no order as to costs.

Urgent photostat certified copy of this order be given to the parties on priority basis, if the same is applied for.

*(Shampa Sarkar,J.)*



