

07.12.2020
Court No. 19
Item No. 16
CP

C.O. 1462 of 2020

Jayanta Sahana
vs.
Banani Sahana @ Babli Sahana

Mr. Bhudeb Chatterjee
Mr. Basudeb Ghosh

.....for the Petitioner.

This is an application filed by the husband challenging an order dated October 17, 2020, arising out of Mat. Suit No. 178 of 2017.

The wife/opposite party filed an application under Section 36 of the Special Marriage Act, 1954 of maintenance pendente lite and litigation costs. The learned court below after scanning the evidence adduced by the parties have come to the conclusion that the evidence of the wife with regard to the salary/income of the husband, her incapability of maintaining herself, her expenses in maintaining the school going daughters and her allegations of living a life of financial hardships have been proved. The court has come to the conclusion that the husband has not been able to show anything contrary to the evidence of the wife and, moreover, the court has also come to the conclusion that allegations of the wife have also been agreed to a certain extent by the

husband. Once the court of law has considered the evidence on record and has given reasons for deciding the alimony pendente lite for the mother and the two children at Rs.30,000/- per month having considered the salary and position of the petitioner/husband and has also held that Rs.70,000/- should be the quantum of litigation cost to be paid, in absence of any contrary pleading or any evidence before this court to show any blatant error in the decision of the learned court below, this court does not find it necessary to interfere with the order impugned.

Mr. Chatterjee, learned advocate appearing on behalf of the petitioner submits that the learned court below has not taken into consideration the amount paid by the husband as per the decision of the learned CJM, Cooch Behar.

I find from the order that the learned court below has come to a finding that the petitioner has not complied with the decisions of the learned CJM, Cooch Behar. However, the law is very clear on this issue that the petitioner will have to pay a maximum of Rs. 30,000/- including whatever the petitioner has been paying by virtue of orders passed in any other proceeding.

The revisional application is, thus, disposed of. There shall be no order as to costs.

In view of the pendency of this application, the time to pay the amount of Rs.70,000/- is extended by a further period of two weeks from date.

Urgent photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible subject to compliance of all usual formalities.

(Shampa Sarkar, J.)