

30.07.2021
Item no.10
Ct. No.34
CHC

C.R.R. No.49 of 2011

(Via Video Conference)

In Re: An application under Sections 397, 401 read with Section 482 of the Code of Criminal Procedure, 1973.

AND

In the matter of:-

Gopa Dey

... petitioner

The present petitioner was aggrieved by the judgement and order dated 30.09.2010, passed by the learned Chief Judicial Magistrate, Barasat, in the Matrimonial Case no.202 of 2006 which was preferred under Section 125 of the Code of Criminal Procedure.

The grievance of the present petitioner is that by the said order, the learned Magistrate was pleased to award maintenance of Rs.2,000/- to the wife but refused to make any payment towards minor daughter. It was the prayer of the petitioner that both the wife and the daughter should be maintained by the husband/opposite party.

Having regard to the contentions made by the petitioner, I find that it was incumbent upon the learned Magistrate to take into account the maintenance required for the minor daughter. I find that the revisional application also was not properly persuaded as the same is appearing after ten years.

Having regard to the prayer of the petitioner and the time which has elapsed, I am of the view that no useful purpose would be served by keeping the revisional application pending.

As such, the learned Magistrate is directed to issue notice upon the petitioner and the opposite party and fix maintenance for the wife as well as the minor daughter (provided the circumstances have not changed till date during the passage of ten years which have passed).

Learned Magistrate would award fresh quantum of maintenance keeping in mind the present cost of living for an individual.

With the aforesaid observations C.R.R.49 of 2011 is disposed of.

Department is directed to communicate this order to the learned court below within a period of seven days. Learned Magistrate, on receipt of such notice would take steps so that within a period of three months he arrives at fresh finding.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)