

07.09.2021
Sl. Nos.142 & 143
Court No.34
BM

CRR 577 of 2020
+
IA No.CRAN/1/2020
Parnab Basu Roy Chowdhury
Vs.
Samapti Basu Roy Chowdhury & Anr

With
CRR /303/ 2020
Samapti Basu Roy Chowdhury Nee Mukherjee @
Mousumi Basu Roy
Vs.
State Of West Bengal & Anr

Mr. Kallol Mondal

Mr. Anamitra Banerjee ... for the petitioner (in CRR 577/2020)
... for the opposite party (in CRR 303/2020)

Mr. Saptarshi Dutt ... for the opposite party(in CRR 577/2020)
... for the petitioner (in CRR 303/2020)

Both the application CRR 577 of 2020 and CRR 303 of 2020
are disposed of by a common order.

CRR 577 of 2020 was preferred by husband namely Parnab Basu Roy Chowdhury for reducing the quantum of maintenance of Rs.8,000/- so awarded by the learned Magistrate in a proceeding under Section 125 of the Code of Criminal Procedure passed in M Case No.69 of 2006 by the learned Judicial Magistrate, 2nd Court at Barrackpore.

On the other hand CRR 303 of 2020 was filed by the wife against the same order praying for enhancing the maintenance by the wife Samapti Basu Roy Chowdhury Nee Mukherjee @ Mousumi Basu Roy praying for enhancing the amount of maintenance so awarded in the same case.

I have perused the final judgement and order passed by the learned Judicial Magistrate, 2nd Court, Barrackpore in the said judgement. I find that the learned Magistrate has categorically recorded that the opposite party-respondent in his evidence has stated to have income of Rs.55,000/- per month on 02.05.2017. The learned Magistrate having based his foundation of such earning of the husband, decided the quantum of maintenance to be awarded.

I have considered submissions of either parties appearing and I find that the proportionate amount of Rs.8,000/- so awarded by the learned Magistrate is less compared to the salary which has surfaced in evidence before the learned Magistrate. Accordingly, the sum of Rs.8,000/- as maintenance which was awarded by the learned Magistrate in its order dated 01.11.2019, which was payable to the wife by the husband is enhanced to a sum of Rs.14,000/- per month with other condition remaining unaltered.

Accordingly, CRR 303 of 2020 and CRR 577 of 2020 is disposed of with the aforesaid modification of the amount of quantum of maintenance so granted by the learned Judicial Magistrate, 2nd Court, Barrackpore in connection with M. Case No.69 of 2006.

Pending application, if any, consequently disposed of.

Interim order, if any, is vacated.

All the parties are directed to act on a server copy to be obtained from the official website of the Hon'ble High Court at Calcutta.

(**Tirthankar Ghosh, J.**)