

23.07.2021
Item no.13
Ct. No.34
CHC

C.R.R. No.1111 of 2011

(Via Video Conference)

In Re: An application under Section 227 of the Constitution of India.

AND

In the matter of:-

Devyani Sarkar @ Tutul
... petitioner

The revisional application was preferred by the petitioner/wife being aggrieved by the order dated 17th February, 2011, passed by the learned Chief Judicial Magistrate, Alipore, South 24 Parganas, in connection with Criminal Miscellaneous Case No.586 of 2004, wherein, the learned Magistrate was pleased to direct the husband/opposite party to pay a sum of Rs.4000/- to the wife and Rs.6000/- to the minor daughter, aggregating to a sum of Rs.10,000/- to be paid each and every month. The grievance is regarding the reduction of the amount which was made from the quantum of interim maintenance.

Records reflect that during the pendency of the proceedings the interim maintenance was paid to the tune of Rs.10,000/- per month to the wife and Rs.5,000/- to the minor daughter. However, on assessment of the evidence, learned C.J.M, during the final disposal of the proceedings was pleased to award

maintenance of Rs.4000/- per month and Rs.6000/- per month to the wife and minor daughter respectively.

Having regard to the fact that the said order was passed in the year 2011 and there was direction by a coordinate Bench on 25.09.2012 for compliance of the order by the husband, I do not think it would be prudent to interfere at this belated stage. However, if fresh evidence is brought on record, the learned Magistrate will reconsider the quantum having regard to the parameters which have been set forth for assessing the quantum in a proceedings under Section 125 of the Code of Criminal Procedure as also in the meantime, about 10 years have expired.

With the aforesaid observations, C.R.R.1111 of 2011 is disposed of.

Pending application, if any, is consequently disposed of.

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

(Tirthankar Ghosh, J.)