

S/L 20
12.03.2021
Court. No. 19
GB

C.O. 1152 of 2020
With
CAN 1 of 2020 (Old No. CAN 4357 of 2020)

Sourav Guha Thakurta
Vs.
Ria Tararfdar

(Through Video Conference)

Mr. Kallol Guha Thakurta,
Mr. A. Naskar.

...for the Petitioner.

In view of the urgency involved, the matter is taken up for hearing and CAN 1 of 2020 (Old No. CAN 4357 of 2020) is disposed of accordingly.

This revisional application has been filed challenging the orders dated September 5, 2019 and January 10, 2020 in Matrimonial Suit No.1645 of 2018.

By the order dated September 5, 2019 the learned court below disposed of the application for maintenance *pendente lite* and directed the petitioner to pay Rs.12,000/- per month to the wife as maintenance *pendente lite* and litigation cost of Rs.20,000/-. There was no challenge to the aforementioned order before any forum. Thereafter, the petitioner fell in arrears and by an order dated January 10, 2020 the learned court below after hearing the application filed by the wife under Section 151 of the Code of Civil Procedure, disposed of the said application upon in the presence of the parties, recording the willingness of the

husband to pay the monthly amount as well as the arrears within every first Saturday of the month. The relevant portion of the order is quoted below:

“The petitioner/husband who is present today before this Court submitted that if the Court grants him six instalments then he will clear up the arrear dues including the current monthly maintenance amount. Accordingly, the petitioner/husband of the mat suit is hereby directed to clear the outstanding dues of Rs.1,71,000/- by six instalments along which 5 monthly instalments will be of Rs.30,000/- each and the last i.e. the 6th instalment will be of Rs.21,000/- and apart from that he has to pay Rs.12,000/- per month as the monthly maintenance amount towards alimony pendente lite. The husband/petitioner expressed his willingness to pay the monthly amount as well as the arrear amount within every 1st Saturday of the month before this Court. Accordingly, parties are directed to remain present on every 1st Saturday of the month till the recovery of the arrear amount and next amount dues on 1st February, 2020 and accordingly parties are directed to remain present on the date fixed.”

Now, by filing this revisional application the petitioner has challenged the original order dated September 5, 2019 by which the maintenance *pendente lite* was directed by the learned court below. By the order dated January 10, 2020 the specific submission of the husband before the learned court below that the husband was willing to pay the

amount in instalments was recorded and accordingly, the learned court below granted such prayer of the husband directing the husband to pay the arrear amount within the first Saturday of the month.

I do not find any reason to interfere with the order impugned. When the husband's willingness to pay the amount of maintenance pendente lite along with all arrears has been recorded and there is no averment that such recording by the learned court below are incorrect or erroneous, no relief can be granted to the petitioner.

The revisional application is rejected.

There will be, however, no order as to costs.

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

(Shampa Sarkar, J.)