

AD. 43.
June 23, 2021.
MNS.

C. O. No. 1157 of 2021
(**Via video conference**)

Uttam Kumar Bhakat
Vs.
Namita Bhakat

Mr. Indu Bhushan Das

... for the petitioner.

Learned counsel for the petitioner submits that the petitioner does not have any income at present and is suffering from Tuberculosis and related ailments, in support of which certain documents have been annexed to the present revisional application. As such, it is argued that the trial judge acted palpably without jurisdiction in directing the petitioner to pay alimony *pendente lite* at the rate of Rs.6,000/- (Rupees six thousand) only per month to the petitioner and Rs.8,000/- (Rupees eight thousand) only as litigation costs.

However, it is well-settled that the petitioner has to “beg, steal or borrow” for the purpose of maintaining his spouse and children.

Although such a principle may sound harsh in the circumstances of the petitioner, yet, keeping in view that the alimony was directed to

be paid not for the wife alone but for two minor children of the parties as well, the meager amount of Rs.6,000/- (Rupees six thousand) only per month as alimony and Rs.8,000/- (Rupees eight thousand) only as litigation costs is paltry compared to the requirements of the spouse and children, particularly in these pandemic times. Despite the petitioner's alleged financial distress, if any, the reduction of the amount of alimony and/or litigation costs would lead to injustice.

Moreover, there is no jurisdictional error or patent infirmity in the impugned order to justify interference under Article 227 of the Constitution.

Accordingly, C. O. No. 1157 of 2021 is dismissed without, however, any order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)

