

01.09.2021
Item No.19
Ct. No.7
CHC

C.O.1230 of 2021

(Physical Hearing)

Smt. Paulami Chakraborty (nee Ghosh)
Vs.
Sri Abhijit Chakraborty

Mr. Supriyo Das
...for the petitioner

Mr. Shehnaz Tareq Mina,
Mrs. V. Chakraborty
...for the opposite party

The impugned order dated 4th February, 2020, passed by learned Additional District Judge, Fast Track Court-I, Sealdah, in Misc.Case No.9 of 2019 arising out of Mat.Suit No.45 of 2019, granting alimony pendente lite to wife under Section 36 of the Special Marriage Act to the tune of Rs.2,000/- per month from the date of his order is the subject of challenge in this revisional application.

Mr. Supriyo Das, learned advocate representing the petitioner/wife submits that quantum of alimony pendente lite fixed by the learned court below is very meagre amount, and which is not even sufficient for modest living of a wife compared to the status of her husband/opposite party.

Admittedly, the marriage was solemnized between the parties on 7th December, 2015 according to Special Marriage Act. Subsequent to the marriage, petitioner visited to her matrimonial home and thereafter some matrimonial discord appeared between the parties. The opposite party/husband is stated to be working as a sales executive of Maruti-Suzuki with an income of Rs.60,000/- per month.

Mr. Shehnaz Tareq Mina, learned advocate representing the opposite party submits that the gross salary of husband comes to more or less Rs.14,000/- per month and during the lock-down period his salary has been substantially reduced. The opposite party/husband has other commitment and liability towards his parents, which he must maintain, apart from maintaining his wife.

The only point to be addressed in this case, is whether the quantum of alimony pendente lite has been appropriately fixed by the learned court below or not.

True it is that the opposite party/husband produced some salary slips, but it does not mention anything it is reliable to which year and which month. The alimony pendente lite under Section 36 of the Hindu Marriage Act was granted on 4th February, 2020, when market index of essential commodities was really high to ensure basic needs of a married lady

with this meagre amount of Rs.2000/- per month. But improper consideration of undefined pay slips of o.p. has led the Court below to fix the quantum of alimony pendente lite, disproportionate with the income of o.p./husband.

Learned advocate for the opposite party submits that the quantum of alimony pendente lite having been fixed upon due consideration of the pay slips being produced, the same should go remain unaltered.

However, learned advocate for the opposite party is fair enough to submit that Rs.2000/- per month, as alimony pendente lite, now a days, is not quite sufficient to ensure a modest living bearing in mind the high price index of essential commodities. Learned advocate for the opposite party however proposes for a little enhancement of the amount granted as alimony pendente lite so that the opposite party/husband is not put to face any financial hardship to meet his entire liabilities not only towards his wife, but also towards his parents.

Having considered the submissions of both sides, the Court is of the view that little enhancement of the amount of alimony pendente lite will however subserve the purpose of justice, and ensure the petitioner to have a modest living in these hard days.

The petitioner/wife is entitled to alimony pendente lite to the tune of Rs.4,000/- per month, instead of

Rs.2,000/- per month, with effect from the date, as already ordered by the learned court below. The other portion of the order, will, however remain unaltered. The order is modified to the extent mentioned hereinabove.

The revisional application is thus disposed of.

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

(Subhasis Dasgupta, J.)