

02 with 03. 10.12.2021
Ct. No.21
A.B.

C.O. 1068 of 2021

Sri Barun Das

-Versus-

Smt. Sujata Das

With

C.O. 1459 of 2021

Smt. Sujata Das

Vs.

Sri Barun Das

(Through Video Conference)

Mr. Soumik Ganguli
...for the Husband.

Miss. Bratati Dutta
...for the Wife.

This common order dispose of both C.O. 1068 of 2021 filed by the husband and C.O. 1459 of 2021 filed by the wife arising out of the common order dated 19.02.2021 passed by the learned Additional District Judge, Fast Track, 1st Court, Bankura in Misc. Case no. 13 of 2020 arising out of Mat Suit No. 391 of 2019.

By the impugned order the learned Court below was pleased to allow alimony pendent lite of Rs.

4000/- per month in favour of the wife till disposal of the Matrimonial Suit.

Assailing such order dated 19.02.2021 passed by learned Additional District Judge, Fast Track, 1st Court Bankura in Misc. Case No. 13 of 2020 arising out of Mat Suit No. 391 of 2019 both the husband and wife have filed the above mentioned revisional application, the wife has challenged the quantum of pendent lite alimony alleging the same is meager to maintain herself in the present days inflated economy.

While the husband has alleged he has already made a gift of a dwelling house in favour of the estranged wife and where the wife runs a music school. He is a primary school teacher and he is burdened with payment of loan which he took while constructing the house gifted to the wife. He has also alleged the wife is at present residing in the house of her divorced deceased first husband. Thereby, he has alleged the wife is not entitled to get any pendent lite alimony.

Perused the impugned order and it is seen the learned court below after taking into consideration the facts and materials placed before it deliberate a reasoned order and this Court does not find any reason to interfere with the finding of the lower Court made on basis of facts and documents produced before it.

That apart it is now settled that a revisional Court cannot interfere with the findings of fact, however grossly erroneous it may be unless error goes to the jurisdiction of the Court.

In the present case it is seen the Court below before passing the impugned order had taken into consideration the facts the wife was already married earlier and at present she is residing in the house of her divorced deceased first husband with the child from the first husband, about the gift of a dwelling house by the present husband, the job of the present husband and disposal of the gifted dwelling house by the wife and also a document dated 02.12.2016 executed by the wife relinquishing her right to maintenance. Therefore, this Court finds both the parties have failed to bring exceptional circumstance which has caused prejudiced to them and requiring interference by this Court.

In view of the discussion made above both the revisional applications are dismissed.

Accordingly C.O. No. 1068 of 2021 and C.O. No. 1459 of 2021 are dismissed. Connected application, if any, are disposed of.

Interim order, if any, is hereby discharged.

In view of the order made above Affidavits are not invited. Allegations made shall be deemed to be denied.

There will be no order as to cost.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Kesang Doma Bhutia, J.)