

18.06.2021

Item No.2
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

C.R.R. 2578 of 2007
(Via Video Conference)

Shyam Sundar Gayen
versus
Mousumi Gayen

In Re: An Application filed under Section 401 read with Section 482 of the Code of Criminal Procedure, 1973.

The present revisional application has been preferred against an order dated 14.06.2007 passed by the learned Judicial Magistrate, 5th Court, Barrackpore in connection with Case No. M-22/2007. I find that the petitioner was aggrieved by the quantum of maintenance granted by the learned Magistrate. The quantum as reflected is only Rs.700/- per month towards interim maintenance. Records also reflect that the petitioner was also paying Rs.1,500/- per month in terms of the order passed in MAT Suit No. 118 of 2006.

Having regard to the settled principles of law the petitioner ought to have paid the higher amount of the two courts which have been imposed. However, the petitioner approached this Court at a stage when the maintenance proceedings were pending and order was passed by way of interim measure by this Court. Records of this revisional application reflect that on 27.07.2007, a co-ordinate Bench of this Court was pleased to direct the petitioner to continue to pay a sum of Rs.1,000/- per month and in case, there is default, the revisional application would be automatically dismissed. No effort has been made by the petitioner since

then to get the revisional application heard out and when the matter has been called on several occasions, none represented the petitioner to present the case.

Having regard to the fact that the learned Magistrate by way of an interim measure granted the said amount of Rs.700/- per month after taking into account the cost index as also the present cost of living, I do not find any reason to interfere with the impugned order. As such, the revisional application being C.R.R. 2578 of 2007 is dismissed.

All connected applications are disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)