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C.R.R. No.2865 of 2011
(Via Video Conference)

Syed Ejaz Ahmed @ Ejaz Tanweer
Versus
Rabina and Anr.

The present revisional application was preferred against the order dated 12.05.2011 passed by the learned Judicial Magistrate, 3rd Court, Durgapur, Burdwan in connection with Misc. Case No.94 of 2010 wherein the learned Magistrate allowed the application for interim maintenance, thereby directing the husband to pay a sum of Rs.2,000/- per month to the wife from the date of the order.

Records of this revisional application reflect that on 22.12.2011 a co-ordinate Bench of this Court was pleased to direct the husband to pay a sum of Rs.1,000/- to the wife.

In view of the order so passed by the co-ordinate Bench of this Court, I am of the opinion that the subject matter being an interim order which is a measure taken in a proceeding under Section 125 of the Code of Criminal Procedure prior to the court arrived at a final opinion regarding the proceedings pending, I do not think that at this belated stage it would be fit and proper to interfere with the matter. As such, the order dated 22.12.2011 is made absolute. However, if in the meantime the learned Magistrate has arrived at a finding which is different after adjudicating the dispute on the basis of evidence which has been brought on record, the quantum so fixed subsequently should be final, there should

not be any alternation on the quantum fixed in this revisional application.

With the aforesaid observations, CRR 2865 of 2011 is disposed of.

Pending application, if any, is consequently 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.)