

19.07.2021
Item no.28
Ct. No.34
CHC

C.R.R. No.2388 of 2013

(Via Video Conference)

In Re: An application under Article 227 of the Constitution of India.

AND

In the matter of:-

Lakshmi Bhandari

... petitioner

The present revisional application has been preferred against the order dated 02.05.2013, passed by the learned Additional Chief Judicial Magistrate, Baruipur, South 24 Parganas, in connection with Case No. M-49/11, under Section 125 of the Code of Criminal Procedure.

I find that the order dated 02.05.2013 was passed while considering the application for interim maintenance of the wife/opposite party. The order reflects that the learned Magistrate on *prima facie* appreciation of the materials appearing in the record, during the pendency of the final disposal of the proceedings under Section 125 of the Code of Criminal Procedure by way of interim measure was pleased to award Rs.900/- per month to the wife and Rs.600/- per month to the minor daughter, aggregating Rs.1500/- per month.

Having regard to the quantum which was awarded and the expenditure required for survival of an individual, I am of the view

that although, there may be grievance of the petitioner so far as the quantum which has been awarded but having regard to the time which has elapsed in the meantime which is more than eight years and the same was passed as an interim measure, I am of the view that interference at this stage would be prejudicial to the right of the parties, when no information has been furnished before this Court regarding the present stage of the proceedings before learned Magistrate. However, if the proceedings are still pending, the learned Magistrate would take into account the cost of living of an individual under the prevailing minimum expenditure and thereafter, award the sum of maintenance.

With the aforesaid observations, C.R.R.2388 of 2013 is disposed of.

Pending application, if any, is consequently disposed of.

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

(Tirthankar Ghosh, J.)