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Ct. No. 18
16.03.2021

CPAN No. 523 of 2020
In
C.O. No. 3433 of 2019
(Via Video Conference)

Smt. Rinku Biswas Nee Bardhan
Vs.
Jayanta Kumar Biswas

Mr. Sukanta Chakraborty,
Mr. Anindya Halder ... For the petitioner.

Mr. Dipak Kuamr Saha,
Mr. Sanjib Das ... For the alleged contemnor/O.P.

Mr. Sarbananda Sanyal ... For the intervenor.

This is an application alleging willful violation of the order dated February 11, 2020 whereby the connected civil revisional application being C.O. 3433 of 2019 was disposed of.

The opposite party/alleged contemnor has filed the connected suit seeking dissolution of his marriage with the petitioner by a decree of divorce. The petitioner in the said suit filed an application for the maintenance of the minor daughter of the parties.

The learned trial Judge by the Order No. 12 dated April 06, 2019 disposed of the said application fixing maintenance for the said child @ Rs. 5,000/- per month only.

The petitioner assailed the said order in the connected revisional application which was disposed

of by the aforesaid order dated February 11, 2020 by fixing maintenance of the said child @ Rs. 20,000/- per month.

The petitioner and opposite party/alleged contemnor both are in earning hand as such they were directed to share the said amount of maintenance.

Rs. 12,000/- per month and Rs. 8,000/- per month were directed to be contributed in the corpus of said amount of Rs. 20,000/- by the opposite party and the petitioner respectively.

The opposite party/alleged contemnor did not make the payment in terms of the said order, however, he appeared in the present proceeding through his learned advocate and tendered his unconditional apology for not complying the said order, which is accepted by this Court.

The opposite party/alleged contemnor on March 5, 2021 transferred a sum of Rs. 40,000/- in the bank account standing in the name of the minor daughter of the parties maintained by the mother. Thereafter on March 6, 2021 he transmitted a further sum of Rs. 35,000/- in the said account.

Learned counsel appearing on behalf of the opposite party/alleged contemnor submits that his client shall pay the balance of the arrear maintenance which the parties have accepted is Rs. 93,000/- (Ninety Three Thousand rupees only) as of today.

The opposite party/alleged contemnor shall deposit the said amount by three monthly equal instalments to the said bank account within 7th of each month starting from April 2021.

Needless to say that the opposite party/alleged contemnor in addition to the arrear amount of maintenance shall also deposit the current amount of maintenance in the said account within 7th of each succeeding month for which it falls due.

The petitioner shall also deposit her contribution to the said maintenance in the said account.

In the event the petitioner withdraws a sum more than Rs. 20,000/- from the said bank account, she is required to furnish details of the expenditure of the said money to the opposite party/alleged contemnor.

The father was allowed to take access to his daughter in the chamber of Mr. Partha Pratim Roy, learned advocate on second Sunday of each month for two hours from 11-30 A.M. subject to payment of conveyance charge of Rs. 1,000/- to the petitioner. The said arrangement will continue, the opposite party/alleged contemnor shall pay the said conveyance charge to the petitioner directly.

The opposite party/alleged contemnor is at liberty to pray before the learned trial Judge for modification of the order of the visitation, if the occasion so arises.

CPAN 523 of 2020 is disposed of with the above terms.

No order as to costs.

The learned trial Judge shall expedite the disposal of the suit in accordance with law.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)