12.05.2022
(D/L-08)
Ct.-18
(Susanta)

C.O. 212 of 2018

Sri Premanshu Sankar Neogi
-Vs-
Smt. Mousumi Neogi

Mr. Arup Krishna Das,
.... For the Petitioner.

Affidavit-of-service filed on behalf of the petitioner be kept with the record.

None appears on behalf of the opposite party in spite of service.

The petitioner has filed the connected matrimonial suit seeking dissolution of marriage between the parties by a decree of divorce.

The said suit being Matrimonial Suit no. 235 of 2008 is pending before the 2nd Court of learned Additional District Judge Asansol, District-Paschim Bardhaman.

The wife in the said suit filed an application under Section 24 of the Hindu Marriage Act, 1955 for alimony *pendente lite*, registered as Misc. Case no. 1 of 2013.

The learned Trial Judge by the order impugned being order dated December 7, 2017 has disposed of the said Misc. Case by directing the husband to pay alimony *pendente lite* at the rate of Rs.4,000/- (Rupees four thousand only) and also to pay a lump sum of Rs.8,000/- (Rupees eight thousand only) on account of litigation expenses.

Mr. Arup Krisha Das, learned advocate appearing on behalf of the petitioner strenuously argues that the learned Trial Judge should not have fixed the quantum of alimony without ascertaining the income of the husband.

On perusal of the records, it appears that the husband has denied the allegation of the wife that he earns a sum of Rs.60,000/- (Rupees sixty thousand only) per month, but did not disclose his actual income, which under the law he is obliged to.

The petitioner when has not disclosed his actual income, some guess work is permissible, fixing of quantum of alimony on such guesswork cannot be faulted; that apart a sum of Rs.4,000/- is too meagre an amount to meet the bare necessities of the wife.

The order impugned therefore, does not call for any interference.

C.O.212 of 2018 is dismissed with the above terms without any order as to costs.

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.)