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C.O. 265 of 2022

Shri Subhasish Ghosh
Vs
Smt. Debosree Ghosh (nee Sarkar)

Mr. Supriyo Das, ... For the petitioner.

Mr. Arindm Sen,
Mr. Saurav Basu, ... For the opposite party.

By the order impugned dated 3rd December, 2021, the Court below has disposed of the prayer for alimony pendente lite under Section 36 of the Special Marriage Act granting alimony at the rate of Rs. 25,000/- per month (Rs. 15,000/- per month for the wife and Rs. 10,000/- per month for the son), and rejected another petition filed by the husband seeking permission to put up his son in reputed school.

Learned advocate appearing for the petitioner disputes with the quantum of alimony pendente lite alleging that it has been inappropriately assessed, without deciding the commitment and liability of the husband. As regards the denial of the prayer for putting up his son to a reputed school, learned advocate for the petitioner contends that the Court below has not properly gone into the facts presented and pressed and mechanically rejected the same.

Per contra, Mr. Anirdam Sen, learned advocate appearing for the opposite party/wife submits that

husband is a Central Government employee having a gross salary of Rs. 2,02,000/- per month, though his take home salary is Rs. 90,000/- per month.

Supporting the order of Court below, as regards the quantum of alimony pendente lite, learned advocate for the opposite party replies that order impugned does not require any interference, as the Court below has considered all the parameters required for fixation of quantum of maintenance. With respect to the rejection of prayer for putting up the son to a reputed school, learned advocate for the opposite party replies that upon consideration of the mid of the session of a school, such prayer was not considered by the Court below.

Upon perusal of the impugned order and also considering the submission of both sides, it appears that the Court below has considered the monthly income of the husband together with the needs of the wife and her child. The permissible deductions at source with respect to the monthly income earned by husband has also been taken into account, while assessing the quantum of pendente lite.

The impugned order being reasoned one with regard to the fixation of quantum of alimony pendente lite, the same does not call for any interference.

In view of the mid of session, the Court below has declined to consider the prayer for putting up the son to a reputed school, which is sufficient enough to reveal due application of mind of the Court below, on the prayer proposed.

It also does not call for any interference.

However, this would not prevent the petitioner/husband to revalidate his prayer at the beginning of the session of school for putting up son to a reputed school before the Court below.

Subject to the payment of the alimony pendente lite, as granted by the Court below, the logical conclusion of the suit may be reached in a faster mode, without granting unnecessary adjournments, unless it is extremely unavoidable.

Petitioner is directed to make communication of this order to the learned court below.

With this observation and direction, the revisional application stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)