

24.02.2022
Ct. 21
D/L 13
ab

C.O. 332 of 2021
(Via Video Conference)

Smt. Manju Mahato
-Vs-
Baijnath Mahato

With

C.O. 628 of 2021

Baijnath Mahato
Vs
Manju Mahato

Mr. Somnath Roy Chowdhury,
... for the petitioner in C.O. 332/21
& the opposite party in C.O. 628/21

Mr. Sandip Ghosh,
Mr. Partha Sarkar
... for the petitioner in C.O. 628/21
& the opposite party in C.O. 332/21

Parties are represented by their respective learned
advocates.

Both the revisional applications are taken up for
hearing.

Both the revisional applications are under Article
227 of the Constitution of India filed by the wife and the
husband respectively being aggrieved by a common
order dated 28.01.2021 passed by the learned
Additional District Judge, 3rd Court, Howrah in
Matrimonial Suit No. 311 of 2013 whereby the learned

Court below has been pleased to enhance the alimony pendente lite from Rs. 5,500/- to Rs. 8,000/- per month and directed the husband to pay such enhanced alimony pendente lite by 15th day of every succeeding month and to pay the arrear maintenance alimony pendente lite in six equal monthly instalment commencing from the month of February, 2021 with a rider that the said enhanced alimony pendente lite is subject to adjustment of any order passed under Section 125 of the Code of Criminal Procedure as well as under the provision of Domestic Violation Act.

It is the contention of the wife that the enhanced alimony pendente lite is not sufficient and proportionate to the salary, which is being earned by the husband. On the other hand, it is contention of the husband that the Court below has unreasonably enhanced alimony pendente lite from Rs. 5,500/- to Rs. 8,000/- per month.

It has come on record that the husband is an employee of the Bally Municipality and at present, his take home pay is Rs. 34,587/- per month.

Keeping in view the present inflation rate and taking into consideration the take home pay of the husband, this Court is of the view that the alimony pendente lite granted by the Court below to the wife to be just and reasonable.

Therefore, this Court is of the view that the order impugned does not suffer from any impropriety or material irregularity.

Both the revisional applications are dismissed.

The husband is directed to go on paying the enhanced alimony pendente lite, in the manner as directed by the learned Court below.

The Court below is directed to proceed with the matrimonial suit filed by the husband subject to his clearance of the arrear alimony pendente lite.

Connected application, if any, shall also stand disposed of.

Interim order, if any, stands discharged.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, be applied for, be given to the parties, upon compliance of all formalities.

(**Kesang Doma Bhutia, J.**)