

09.03. 2022
item No.141
n.b.
ct. no. 34

CRR 584 of 2020

Tamoghno Chatterjee
Vs.
Sruti Chatterjee

Mr. Navanil De
Ms. Ayantika Ray
Mr Rajeshwar Chakraborty
Mr. Subhrajit Dey
.....For the Petitioner

Mr. Prantik Ghosh
.....For the Opposite party

The present revisional application has been preferred challenging the order dated September 19, 2019 passed by the Learned Additional District Judge, Fast Track – II, South 24 Parganas wherein the Learned Sessions Court was pleased to affirm the order of interim maintenance granted by the Learned Additional Chief Judicial Magistrate, Alipore in ACM – 2927 of 2017.

Record reflects that the Learned Additional Chief Judicial Magistrate, Alipore was pleased to award Rs.10,000/- per month to the wife and Rs.10,000/- to the minor son aggregating to a sum of Rs.20,000/-.

Mr. De, learned advocate appears for the petitioner/husband and submits that at the time when the Learned Additional Chief Judicial Magistrate, Alipore considered the application for interim maintenance to the opposite party/wife, the opposite party/wife was earning Rs.6,000/- per month. Presently,

the wife is employed in an N.G.O. and earning Rs.11,000/- per month.

Learned advocate for the petitioner emphasizes that he is willing to bear all expenses of the child as the wife is employed and there must be a reduction of such amount.

Learned advocate for the opposite party/wife opposes such contention advanced by Mr. De and invites for a strict proof thereof.

In view of the submission made by Mr. De, learned advocate appearing for the petitioner that there are change of circumstances so far as the maintenance awarded to the wife, I am of the opinion that the same is new circumstance which was not before the Learned Magistrate. Further the order which is the subject matter of challenge is an interim order of maintenance which has been passed during the pendency of the main proceedings.

Having regard to the same, I direct in case the petitioner is able to produce the documents in support of his claim before the Learned Magistrate in course of evidence, the Learned Magistrate would consider the same while deciding the quantum of maintenance to be awarded at the stage of disposal of the main case.

With the aforesaid observation, CRR 584 of 2020 is disposed of.

All pending connected applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

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

(Tirthankar Ghosh, J.)