

05.12.2022
S/L No.28
KS

C.R.R. 558 of 2021
Alimuddin Sk @ Sekh
-Vs.-
The State of West Bengal & Anr.

Mr. Baidurya Ghosal
Ms. Avipsha Dutta Roy
..... For the Petitioner
Mr. Saryati Datta
.....For the O.P. No.2

Petitioner is aggrieved by the order of the Learned Additional District and Sessions Judge, Lalbagh, Murshidabad in Criminal Revision No.47 of 2017 wherein by an order dated 26th November, 2019, the learned revisional Court was pleased to allow the revisional application and directed the husband/Alimuddin Sk @ Sekh to pay maintenance to the tune of Rs.2,000/- per month in favour of his wife/Rina Bibi. By the said order it was further directed that the said amount of maintenance should be paid from the date of filing of the application i.e. 10th December, 2012.

I have assessed the reasoning so assigned by the Learned Sessions Judge while setting aside the order of the Learned Judicial Magistrate, Additional Court, Lalbagh, Murshidabad in connection with M.R. Case No.611 of 2012.

Mr. Ghosal, learned advocate appearing for the petitioner submits that the petitioner happens to be a daily labourer and he has been foisted with such huge amount of quantum, which is beyond his capacity to pay. Learned advocate also draws the attention of this Court to the age differences between the petitioner and the wife/opposite party. It has also been submitted before

this Court that the petitioner is paying a sum of Rs.1,000/- under the provisions of P.W.D.V. Act, 2005.

Mr. Dutta, learned advocate appearing for the Legal Aid Service Authority representing the private opposite party/wife submits that there is no illegality in the order passed by the Learned Sessions Court while exercising its revisional jurisdiction. Additionally, it has been submitted that marriage has been admitted by both the parties and on flimsy grounds, the petitioner is willfully not maintaining the wife/opposite party.

I have also considered the photostat copy of evidence handed over by Mr. Ghosal and I find in the cross-examination the petitioner has stated that the lady namely, Rina Bibi married him for greed of his money. There are allegations and counter-allegations against each other regarding their way of life, the plea on which both the parties cannot stay together, but the parties have admitted regarding their marriage. The quantum which has been awarded by the Learned Sessions Court in its revisional application is a sum of Rs.2,000/- per month which is a paltry sum of money.

However, having regard to the principles submitted by the Hon'ble Supreme Court, I direct that in case there is any payment towards maintenance in the proceedings under Section P.W.D.V. Act, 2005, the same would be subject to adjustment and higher amount should be paid by the petitioner.

No further interference is called for.

Accordingly, C.R.R. 558 of 2021 is disposed of.

Pending applications, if any, are consequently disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)