

CRR 689 of 2005

In the matter of : Smt. Chhaya Bhattacharjee

This criminal revision assails the judgement and order passed by Md. Mumtaz Khan, learned Chief Judicial Magistrate, South 24 Parganas in Criminal Misc. Case No. 2 of 2001 under Section 125 of the Code of Criminal Procedure.

Despite service of notice, none is appearing before this Court to represent the parties.

Briefly stated that the petitioner namely Smt. Chhaya Bhattacharjee, approached the learned Trial Court against her sons for maintenance stating inter alia that after the sudden demise of her husband on 11.11.1989 Sri Parthendu Bhattacharjee and Sri Ardhendu Bhattacharjee started misbehaving with her. She was separated and the petitioner denied to shoulder the responsibility to maintain her by providing food and clothings. She has no means to maintain herself. She has been passing her days under mercy of her married daughters. She has approached the Civil Court to protect herself from being ousted forcibly by those persons. Sri Parthendu Bhattacharjee is working for gain in West Bengal Small Scale Industries Development Corporation and Sri Ardhendu Bhattacharjee is an employee of Canara Bank. But despite having means the opposite parties who happen to be the sons of the petitioner refused and neglected to maintain the lady. The sons contested the proceeding before the learned Trial Court by filing written objection and the

learned Trial Court having considered the evidence on record was pleased to direct Sri Parthendu Bhattacharjee to pay a sum of Rs.1,000/- towards maintenance of her mother and Sri Ardhendu Bhattacharjee was also directed to pay Rs.1,000/- towards maintenance of her mother. The impugned order of learned Trial Court however, failed to satisfy the petitioner and she by preferring a revisional application has challenged the very order by the learned Trial Court. The petition was disposed of on 18.12.2004 during last eighteen years, there is a hike in cost of living. The petitioner has grown old by eighteen years since the date of filing the petition.

Considering the present day cost of living, cost of medicine etc., I am inclined to enhance the quantum of maintenance from Rs. 2,000/- to Rs.8,000/- per month which the opposite party nos. 1 & 2 would pay at the rate of Rs.4,000/- month by month within seven days of each month.

With this observation, the criminal revision along with application, if any, stands disposed of.

The copy of the order be sent down to the learned Trial Court for information and necessary action.

The parties shall act the server copy duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, upon completion of requisite formalities.

(Siddhartha Roy Chowdhury, J.)