

02.08.2022

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C.R.R. 1072 of 2022

In the matter of : Intekhab Alam

.... Petitioner

Mr. Mrityunjoy Chatterjee

Mr. Debapriya Majumder

... for the petitioner

Though the instant matter is fixed under the heading 'Motion', it appears from the order dated 5th April, 2022 that the instant revision has already been admitted for hearing by a coordinate Bench.

Learned Advocate for the petitioner has filed affidavit of service. Let the affidavit of service be kept with the record.

By filing the above-numbered revision, the petitioner/ husband of the opposite party no.2 has challenged the liquidity, validity and propriety of order dated 7th February, 2022 passed by the learned Principal Judge, Family Court, Calcutta in Misc. Case No.27 of 2017 under Section 125 of the Code of Criminal Procedure directing the husband/petitioner to pay maintenance at the rate of Rs.15,000/- per month to the opposite party no.2 and at the rate of Rs.10,000/- per month to their minor son with effect from May, 2017.

During pendency of Misc. Case No.27 of 2017, the present petitioner filed C.R.R. 1215 of 2019 against the opposite party no.2 alleging, inter alia, that the learned Trial Judge did not consider the affidavit of assets filed by the opposite party. A coordinate Bench disposed of C.R.R.1215 of 2019 vide order dated 16th February, 2022 directing the trial

Court to consider the affidavit of assets afresh before considering the application of interim maintenance. However, the said order was not communicated to the learned Trial Judge by the petitioner and the learned Trial Judge disposed of the application for interim maintenance vide order dated 7th February, 2022.

It is submitted by the learned Advocate for the petitioner that pendency of the criminal revision no. 1215 of 2019 was known to the wife/opposite party herein but she could have informed the trial Court before disposal of her application for interim maintenance ex parte. Thus, the petitioner is silent about his responsibility to inform the trial Court about the pendency of C.R.C. 1215 of 2019.

On the contrary, the petitioner is trying to shift the responsibility on his wife who filed an application for maintenance on the allegation that the petitioner has been refusing and neglecting to maintain the opposite party no.2/wife and their minor son.

If the present petitioner is not vigilant, he is bound to suffer. It was his duty to inform the trial Court about the pendency of C.R.R. 1215 of 2019. The Trial Court passed the order of interim maintenance, in accordance with law.

Therefore, I do not find any merit in the instant revision and accordingly, the revision is dismissed without costs.

(Bibek Chaudhuri, J.)