

21.11.2022
S/L No.19
KS

C.R.R. 775 of 2021

Sri Biplab Dey
-Vs.-
Smt. Tanushree Dey

Mr. Debasis Kar

..... For the Petitioner

Ms. Ratna Ghosh

.....For the State

Report submitted by Ms. Ratna Ghosh, learned advocate appearing for the State be kept with the record.

Report reflects that service was effected upon the private opposite party.

Affidavit of service so filed also be kept with the record.

Mr. Debasis Kar, learned advocate appears on behalf of the petitioner.

The grievance of the petitioner is that the maintenance was enhanced by the Learned Sessions Court in its revisional jurisdiction to Rs.8,000/- per month to be paid to the wife and Rs.4,000/- per month to the minor child and the same was made retrospective from the date of filing of the application under Section 125 of the Code of Criminal Procedure.

Records reflect that interim maintenance was paid during pendency of the application under Section 125 of the Code of Criminal

Procedure when the evidence was continuing before the Learned Trial Court and the Learned Trial Court on conclusion arrived at a conclusion that a sum of Rs.5,000/- to be paid to the wife and Rs.3,000/- to the minor child. The application was filed in the year 2012 and the revisional Court passed its order on 19th February, 2021.

Having regard to the fact that the petitioner was directed to pay by way of interim maintenance a sum during pendency and till the final disposal of the application under Section 125 of the Code of Criminal Procedure, I am of the opinion that it would be an unnecessary burden if the husband is saddled with such huge amount.

Accordingly, I direct that the enhanced amount of Rs.8,000/- to be paid to the wife and Rs.4,000/- to be paid to the minor son would commence on and from 1st October, 2019 when the Learned Judicial Magistrate, 2nd Court, Barrackpore finally disposed of the application under Section 125 of the Code of Criminal Procedure. Arrears, if any, should be cleared by the petitioner within a period of three months from the date of this order.

With the aforesaid observation, C.R.R. 775 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.)