

15.11.2022
S/L No.25
KS

C.R.R. 900 of 2021

Arpita Chowdhury
-Vs.-
Bapi Chowdhury

Mr. Sabyasachi Mukherjee
Ms. Debarati Chowdhury
Ms. Joyeta Mitra
.....For the Petitioner
Mr. Arijit Ganguly
Ms. Sujata Das
.....For the State
Md. Shahjahan Hossain
Ms. S. Sultana
Mr. P. Biswas
.....For the O.P.

Report so submitted be kept with the record.

The subject-matter of the revisional application relates to order dated 28.08.2020 passed by the Learned A.C.J.M., Barasat, North 24 Parganas in Maintenance Case No.192/19. The Learned Magistrate by the said order was pleased to award interim maintenance to the tune of Rs.2,500/- per month to the wife and Rs.2,500/- per month for each of the two children.

Having regard to the quantum of interim maintenance so imposed in respect of two children who are aged about 14 years and 6 years respectively, I am of the opinion that the same may be enhanced. Accordingly, the order dated 28.08.2020 is modified to the extent that so far as the quantum of maintenance of the two children are concerned, the opposite party/husband would pay interim maintenance of Rs.5,000/- per

month each to the two minor children as an interim maintenance till the application under Section 125 of the Code of Criminal Procedure is decided by the learned Magistrate in the mode and manner as has been directed in the order dated 28.08.2020.

Learned advocate appearing for the petitioner submits that the Learned A.C.J.M., Barasat, North 24 Parganas directed the interim maintenance to be paid from the date of the order, I find substantial force in such submission in view of the fact that the settled position of law is that until and unless the special reasons are assigned by the learned Magistrate such maintenance is to be awarded from the date of the filing of the application.

Having regard to the stage of the case that the evidence has already commenced, I direct that Learned A.C.J.M while passing the final order would assign his special reasons in case he is reluctant to direct the payment of maintenance from the date of filing of the application. Needless to state that the observations made in this application is restricted for disposal of the present revisional application and the learned Magistrate while disposing of the application under Section 125 of the Code of Criminal Procedure would obviously consider whether maintenance should be allowed or not in an independent manner without being influenced any observation of this Court.

With the aforesaid observation, C.R.R. 900 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.)