

01.04. 2022
item No.21
n.b.
ct. no. 34

CRR 1009 of 2019
Smt. Lata Adhikary
Vs.
Sukumar Adhikary

Mr. Dhananjay Banerjee
...For the Petitioner

The petitioner is aggrieved on two aspects, firstly, order for maintenance was awarded from the date of the order and not from the date of filing of the application and secondly, the quantum of award which was finally awarded by the Learned Sessions Judge in the revisional application being Criminal Appeal No.36 of 2017 in its appellate jurisdiction.

I have considered the contention advanced by the Learned advocate for the petitioner and the grievance. I direct that the Learned Magistrate would consider that until and unless there are special reasons a lady cannot be denied maintenance from the date of filing of the application. Accordingly, if there is nothing on record to show that the petitioner was receiving any interim maintenance from any other forum, the petitioner should be granted the award of maintenance from the date of filing of the application.

So far as the second issue is concerned regarding the quantum of maintenance, record reflects that Learned Magistrate was pleased to award Rs.1,000/- per month which was enhanced by the Learned Appeal Court to Rs.1,500/- per month.

Having regard to the fact that the foundation of such quantum was on the basis of essential requirements in the order dated 2017 and more than five years have passed in the meantime, the Learned Magistrate would consider whether under the changed circumstances there must be a proportionate enhancement to the award of maintenance, provided the petitioner takes out an application before the Learned Court. If the aforesaid application is filed before the Learned Magistrate, he would take all efforts so that the final verdict is passed within a period of three months from the date of filing of the application.

Accordingly, CRR 1009 of 2019 is disposed of.

All pending connection applications, if any, are disposed of.

Interim order, if any, is hereby vacated.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)