

06.05. 2022
item No.56
n.b.
ct. no. 34

CRR 865 of 2013
Bholanath Ganguly
Vs.
The State of West Bengal & Anr.

The revisional application was preferred against the judgment and order dated 23.07.2012 passed by the Learned Additional Chief Judicial Magistrate, Bolpur, Birbhum in Misc. Execution Case No.52 of 2010 under Section 127 of the Criminal Procedure Code arising out of the order passed in Misc. Case No.106 of 2005 dated 20.03.2006.

I find from the orders so referred a sum of Rs.4,000/- was directed to be paid by the Learned Judicial Magistrate and by an order dated 19.03.2013 a direction was passed by this Court to pay maintenance @ Rs.3,000/- per month. The foundation of such direction was passed on finding that the petitioner was receiving pension of Rs.7,000/- per month.

The revisional application at this stage do not call for any interference. The amount of Rs.3,000/- which was fixed for maintenance by the Coordinate Bench on 19.03.2013 is made absolute. However, during pendency of this proceedings for more than eight years, if there has been change of circumstances and the learned Magistrate has decided either to enhance or reduce the amount in a subsequent application the same would not be altered as the revisional application is restricted in respect of order under challenge dated 23.07.2012.

With the aforesaid observation, CRR 865 of 2013 is disposed of.

All pending connected applications, if any, are consequently disposed of.

The interim order is hereby made absolute.

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

(Tirthankar Ghosh, J.)