

05.04. 2022
item No.59
n.b.
ct. no. 34

CRR 1448 of 2018

**Akhilesh Shaw @ Aklesh Kumar Shaw
Vs.
Kakoli Shaw @ Mondal**

Mr Syed S. Imam,
Md. Salahuddin
...for the petitioner.

Mr. Pawan Kumar Gupta,
Ms. Sofia Nesar,
Mr. Santanuy Sett
.... For the Opposite Party.

The subject matter of the revisional application relates to an order dated 24.4.2018 passed by the Learned Additional Sessions Judge, Fast Track Court, Howrah in connection with Criminal Appeal no.63 of 2016 and Criminal Appeal No.65 of 2016 wherein there has been enhancement and alteration of the maintenance granted in an application under Section 12 of the P.W.D.V. Act 2005 passed by the Learned Judicial Magistrate, 5th Court Howrah in connection with case no.66 of 2016.

Mr. Pawan Kumar Gupta, learned advocate appearing for the private opposite party submits that a Co-ordinate Bench of this Court by judgment and order dated 22.1.2020 in CRR 119 of 2019 has been pleased to dispose of the revisional application with the following observations.

“Therefore, considering the social status of the petitioner and the opposite party, this Court is pleased to modify the order

impugned to this effect that the opposite party shall pay monthly maintenance of Rs.40,000/- to the petitioner instead of Rs.15,000/- per month and further pay a sum of Rs.10,000/- towards suitable alternative accommodation instead of Rs.5000/-”

In view of the quantum awarded by the Co-ordinate Bench of this Court and submission advanced by Mr. Syed S. Imam, learned advocate for the petitioner/husband that he has been unrepresented when the said order was passed, liberty is granted to the petitioner to adduce evidence before the learned Magistrate in respect of his earnings and in case the learned Magistrate is of the opinion that the quantum of relevant sum granted to the wife and to be paid by the husband is excessive, the learned magistrate would independently consider the same. So far as the main proceeding are concerned, the learned Magistrate would fix at least one date in every forty five days to take the trial of the case to its logical conclusion.

With the aforesaid observations, CRR 1448 of 2018 is disposed of.

All pending connected applications, if any, are consequently 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.)