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21.11.2022
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C.R.R. No.2149 of 2021

In Re: An application under Section 482 read with Sections 397/401 of the Code of Criminal Procedure, 1973;

Pijush Mukherjee
Versus
Smt. Lopamudra Majumder (Mukherjee)

Mr. Kushal Kumar Mukherjee.
...for the petitioner.

Mr. Habibur Rahaman.
...for the opposite party.

The subject matter of the revisional application relates to a sum of Rs.10,000/- being awarded by the learned sessions court in a revisional application preferred by the wife/opposite party.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner is aged about 67 years. He was a medical practitioner at the relevant point of time who has retired from practice and presently he is not pursuing any professional activities. A sum of Rs.10,000/- per month so imposed by the learned sessions court/revisional court is creating immense pressure upon him which he is unable to bear because of subsequent change of circumstances.

Learned advocate appearing for the private opposite party/wife submits that the petitioner apart from being medical practitioner is having landed properties and deserted the wife in the year 2011. Subsequently, there was an understanding/settlement in respect of a suit for restitution of conjugal rights wherein it was decided a sum of Rs.5,000/- per month would be paid to the wife.

Learned Magistrate erroneously accepted the same to be absolute and refused to grant any maintenance. Learned sessions court after taking factual circumstances into account was pleased to award the aforesaid sum of Rs.10,000/- per month towards maintenance which is true and proper in the perspective of the laws relating to maintenance.

I have considered the submissions advanced by both the parties and having regard to the financial status/capacity of the petitioner/husband who is having necessary qualification for carrying out medical practice, I am of the opinion that a sum of Rs.10,000/- per month so awarded by the learned sessions court in the revisional application relating to an order under Section 125 of the Code of Criminal Procedure is not excessive to be borne by him. Consequently, there is no scope for interference in the impugned order, which is under challenge.

Thus, CRR 2149 of 2021 is not interfered with and is accordingly disposed of.

Pending applications, if any, are consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)

