

14 25.7.2022

Ct-08

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FAT 231 of 2021

with

I.A No. CAN 2 of 2022

CAN 3 of 2022

CAN 4 of 2022

Ratan Kumar Maitra

Vs.

Soma Maitra

Mr. Partha Sarathi Bhattacharyya

Mr. Mahim Sasmal

Mr. Raju Bhattacharyya

Mr. Arunava Maiti

... For the Appellant

Mr. Sanjay Mukherjee

... For the Respondent

This matter is appearing in today's list under the heading "Application". However, by consent of the parties the appeal is also taken up by treating the same as on day's list along with the applications.

It is an admitted position that the appellant is earning salary approximately Rs. 90,000/- per month. The appellant is presently working in Finance Department, Government of West Bengal. The Trial Court, in our view, has correctly enhanced the maintenance amount in favour of the wife from Rs.10,000/- to Rs. 25,000/-per month. It is, however, noted that the maintenance amount was fixed at Rs.10,000/- per month at the point of time when the monthly salary of the husband was less than Rs.90,000/- but over Rs.32,000/-.

The wife is unemployed and suffering from various terminal deceases. The wife/respondent has a daughter living with her, who is studying in class-XII at Bidya Bharati School, Kolkata.

It is not in dispute that the appellant is paying a sum of Rs.10,000/- per month which

was initially fixed by the Trial Court but the enhanced maintenance amount has not been paid till date. The appellant is duty bound to maintain his wife and daughter.

Considering the facts, we do not find any reason to interfere with the order of enhancement of the maintenance amount. The Trial Court has rightly enhanced the maintenance amount from Rs.10,000/- to Rs.25,000/- per month considering the present market price, the status which she used to and salary of the husband at that point of time.

The appellant/husband is directed to clear all arrear maintenance amount within 15th August, 2022, failing which, it would be open to the respondent/wife to execute the order of enhancement praying for attaching the salary of the husband as well as the bank account.

As the husband/appellant being a State Government employee is entitled to medical benefits of his spouse and other dependants on him under the West Bengal Health Scheme, the appellant is directed to reimburse all the medical expenses, which the wife had incurred and/or is likely to incur, as admissible under the West Bengal Health Scheme, within two weeks from the date of receipt of the prescriptions, original bills and other documents in relation to her treatment as well as for her daughter, if any.

In addition, the arrear medical expenses, which the wife had incurred for the last six months, that are admissible under the West Bengal Health Scheme shall be paid to the wife on supply of proper prescriptions, original bills and other documents which would enable the appellant to claim reimbursement.

On such consideration, the appeal stands disposed of along with CAN 2 of 2022 and CAN 4 of 2022.

In view of disposal of the appeal there is no necessity to recall the order dated 11th July, 2022 passed by us. Accordingly, CAN 3 of 2022 is dismissed.

(Siddhartha Roy Chowdhury,J.)

(Soumen Sen, J.)