

05.05. 2022
item No.06
n.b.
ct. no. 34

CRR 2442 of 2016

Lili Sarkar(Barman)
Vs.
Alok Chandra Barman

Mr. Raja Biswas,
Mr. Abhijit Sarkar
.....for the Petitioner

Mr. Imran Ali,
Ms. Debjani Sahu,
.....for the State

Mr. Debabrata Roy,
Mr. Soumik Mondal
... for the opposite party.

Learned advocate for the petitioner has challenged the order passed by the Learned Sessions Judge, Dakshin Dinajpur at Balurghat in Criminal Revision No.12 of 2016.

The background of the case is that an application under Section 125 of the Code of Criminal Procedure was preferred at the instance of the present petitioner and the Learned Judicial Magistrate 2nd Court, Balurghat, Dakshin Dinajpur in connection with M.R. Case No.68 of 2013, T.R. Case no.27 of 2013 was pleased to award maintenance to the tune of Rs.7,000/- per month to the wife and Rs.5,000/- per month to the minor child. The said order was challenged by the husband before the Learned Sessions Court invoking its revisional jurisdiction. The learned Sessions Court on an appreciation of the materials arrived at a finding thereby modifying the award to Rs.4,000/- per month to the wife and

Rs.3,000/- per month to the minor child to be paid from the date of the order i.e. 12.4.2016.

Learned advocate appearing for the petitioner contends that the husband of the petitioner is working in Border Security Force and as such the award of maintenance is not commensurate with the amount which has been awarded by the Learned Sessions Judge.

Per contra Mr. Roy, learned advocate appearing for the husband/opposite party supports the order passed by the learned Sessions Judge and submits that the husband is having further tenure of nine months in his service, he has other expenses and liabilities for the family members and the learned Sessions Court has come to finding on the basis of the foundation of the salary he has received.

I have considered the judgment delivered both by the Learned Magistrate and the learned Sessions Judge, wherein the original salary certificate or salary receipts have not been admitted in evidence. As such, the Court relied upon the oral evidence and inadmissible documents and arrived at its finding. Taking into account the present cost index and the fact that there is a school going child, I am of the opinion that the quantum so modified by the learned Sessions Judge calls for interference.

Accordingly, the said quantum is altered and modified to the extent that the minor child would receive a sum of Rs.7,000/- per month while the present petitioner being the wife would receive a sum of Rs.5,000/- per month. As the date so fixed by the Learned Sessions Court is from 12.4.2016, I direct that all the

arrears which accrued pursuant to the present order being passed should be liquidated by April 30, 2023. The regular maintenance in the meantime should be paid as directed above aggregating to a sum of Rs.12,000/- per month.

With the aforesaid observations, CRR 2442 of 2016 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.)