

Item-2.	02-12-2022	CPAN 916 of 2022 In FA 42 of 2005
sg	Ct. 8	Krishna Mukherjee Versus Debabrata Mukherjee
		With RVW 172 of 2022
		Debabrata Mukherjee Versus Krishna Mukherjee

Mr. Partha Pratim Roy, Adv.
Mr. Golam Karim Chowdhury, Adv.
Mr. Lutful Haque, Adv.
...for the appellant

Mr. Kartick Kr. Bhattacharyya, Adv.
Mr. Soumashree Dutta, Adv.
...for the petitioner

In Re: RVW 172 of 2022

This is an application for review of our order dated 25th July, 2022. The grounds for review was summarised below:

The petitioner has retired from his service and presently he is drawing a salary of Rs.23,000/- per month. The basis of the application was that the pay structure disclosed in the present petition, which was not disclosed earlier, would show that the payment towards arrear maintenance at the rate of Rs.10,000/- per month would be harsh. The mother of the petitioner was alive until recently and she was only dependent upon the petitioner. The petitioner has not received sufficient amount towards retiral benefits to sustain himself and in the event the order under review is not revisited the petitioner would suffer serious prejudice.

We have gone through the pay slip and/or pay structure of

the petitioner as disclosed in the petition. Significantly, in RTI, the pay scale of the petitioner shows as Rs.43,249/- (gross pay) as on 21st November, 2008.

However, without going into the merits of the said letter and the disclosures made by the petitioner, it is needless to mention that the maintenance that are required to be paid by the petitioner in terms of our order would be less than what the petitioner otherwise would have paid had there been a proper determination of the maintenance amount since 2004 as the pay structure since then, would show that the wife has received a reduced rate of maintenance than what she was otherwise entitled to in law having regard to the meager income she had been receiving since December, 2006. Moreover, we cannot overlook the fact that the child was staying with the respondent and she reared him up.

On such consideration, we do not find any reason to review our order dated 25th July, 2022. The review application being RVW 172 of 2022 stands dismissed. However, there shall be no order as to costs.

In Re: CPAN 916 of 2022

In view of the order passed today dismissing the review application, we direct compliance of our order dated 25th July, 2022 within four weeks from date.

Let the contempt application be listed on 5th January, 2023.

An affidavit of compliance shall be filed on the adjourned date, failing which we shall be constrained to issue rule of contempt.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)

