

30-03-2022
Subha
Item - 67
Ct -.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 2822 of 2019

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973.

In the matter of : **Vishal Jaiswal @ Vishal Kumar Jaiswal**
..... petitioner.

Mr. Bibhasaditya Chakraborty
.....for the Petitioner.

Mr. Chakraborty, learned advocate appearing on behalf of the petitioner submits that it was never the submission of the present petitioner being the husband before the learned Family Court that he was “ready to pay” and challenges the part of the order which reads as follows:-

“At this stage, the O. P gives a counter-proposal that he is ready to pay Rs.15,000/- per month towards interim maintenance for his wife and two minor children (@ Rs.5,000/- per month) from the current month, i.e., June, 2019 but he can pay Rs.10,000/- per month towards their interim maintenance allowance from the month of the filing the instant application, i.e., August, 2017. On being asked, the petitioner gives her nod to such counter-proposal of the O.P.”

Learned advocate for the petitioner submits that the subsequent application opposing such application was also

returned by the court.

Be that as it may, in view of the submission advanced before this court, I direct that in case an application is taken out by the present petitioner being the husband in respect of the observation made by the learned Principal Judge, Family Court, Calcutta that there was a willingness on the side of the husband in respect of the counter-proposal which was accepted by the wife, then in that case the learned Principal Judge, Family Court, Calcutta would consider the said application in its true and proper perspective.

So far as the award of interim maintenance is concerned, no interference is called for by this court until and unless the issue is decided by the Principal Judge, Family Court, Calcutta.

With the aforesaid observations, the present revisional application being CRR 2822 of 2019 is disposed of.

All pending applications, if any, in connection with the revisional application, are consequently disposed of.

Interim order, if any, is hereby vacated.

All parties are to act in terms of a website copy of this order duly downloaded from the official website of this court.

(Tirthankar Ghosh, J.)

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