

15.02. 2022
item No.63
n.b.
ct. no. 34

(via video conference)
CRR 2920 of 2018

Sabana Azmi
Vs.
Abdul Matin & Anr.

This revisional application has been preferred in connection with Misc. Case No.255 of 2012 (T.R. No.107/13) wherein the Learned Judicial Magistrate, Kandi by its judgment and order dated 16.04.2018 was pleased to award maintenance of Rs.10,000/- per month to the petitioner/wife and Rs.5,000/- per month to the minor son aggregating to Rs.15,000/- per month with effect from 16.04.2018.

One of the contentions which has been advanced before this Court is that the petitioner/wife did not get any interim maintenance during the pendency of the application under Section 125 of the Code of Criminal Procedure.

Having regard to the said contentions, I direct the Learned Judicial Magistrate, Kandi to reconsider the date from which the award for maintenance is to be effected. As no interim maintenance was awarded and the case started in the year 2012. I direct that the Learned Judicial Magistrate, Kandi, Murshidabad will give effect to the order dated 06.04.2018 from the date of filing

of the application under Section 125 of the Code of Criminal Procedure.

Accordingly, the part of the order which directs the award of maintenance to be effected from 16.04.2018 is set aside.

Thus, CRR 2920 of 2018 is partly allowed.

Learned Magistrate would reconsider the limited part within the one month from the date of the order for which the issue has been remitted.

Department is directed to communicate this order to the Learned Judicial Magistrate, Kandi, Murshidabad within a week from the date of this order.

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

(Tirthankar Ghosh, J.)