

12.05.2022
Sl.no. 5
Ct. No. 40
P.M.

C.R.R. 2749 OF 2017

Dr. Sariful Islam

- vs -

Jesmin Begum

Ms. Rajyashree Mukherjee
... for the petitioner

Mr. Manas Kumar Das
... for the opposite party

By the order impugned dated May 24, 2017, the learned Judicial Magistrate, 1st Court, Jangipur, Murshidabad by way of interim maintenance granted Rs. 9,000/- (rupees nine thousand) per month in favour of opposite party no.1/wife and Rs. 8,000/- (Rupees eight thousand) per month for the minor child.

Learned advocate appearing on behalf of the petitioner/husband submits that after the said order was passed, following an order dated June 22, 2018, passed by the West Bengal Commission for Protection of Child Rights, the custody of the minor son was given in favour of the husband/petitioner.

This fact has not been disputed by the learned counsel appearing for opposite party no.1/wife.

He only contends that the said order dated June 22, 2018, has been challenged by the opposite party/wife by filing a writ petition before this Court.

It is also an admitted fact by the parties that the said minor son is now residing in a residential hostel of his school at Thakurpukur and his educational and other personal expenses are being borne by the husband/petitioner.

Keeping these factual aspects in mind the order impugned needs to be modified and accordingly the order passed by the learned Judicial Magistrate is modified by directing the husband/petitioner to go on paying maintenance of Rs. 9,000/- per month in favour of opposite party no.1/wife.

The direction of the learned Magistrate insofar as it relates to payment of maintenance towards the minor son is set aside.

It has been told before this Court that the application for maintenance is pending before the learned Magistrate long. It is expected that the learned Magistrate in the Court below should make an endeavour to dispose of the maintenance application as early as possible preferably within a period of six months from the date without being influenced by this order.

This disposes of C.R.R. No.2749 of 2017.

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance with all the necessary formalities.

(Kausik Chanda, J.)