

13.06. 2022
item No.21
n.b.
ct. no. 34

CRR 2724 of 2021

Uttam Barman
Vs.
Shyamali Barman

Mr. Anindya Bose,
Mr. Ashok Banerjee,
Mr. Diptendu Mondal,
Mr. Nikhil Gupta,
Mr. Arindam Poali
.....for the Petitioner

The revisional application has been preferred in respect of an order dated April 21, 2016 wherein the Learned Additional Chief Judicial Magistrate, Alipore was pleased to award interim maintenance of Rs.5,000/- per month.

Learned advocate appearing for the petitioner submits that the opposite party is earning a sum of Rs.9,000/- per month as also there are documents in custody of the present petitioner/husband that the lady has remarried.

Having regard to the point so canvassed before this Court, I have perused the order passed by the Learned Magistrate. So far the first issue is concerned regarding the quantum awarded the same is by way of interim measure, during the pendency of the main proceedings before the Learned Magistrate and the Learned Magistrate is entitled after the evidence is over to decide whether to award any maintenance, and enhance or reduce the interim

maintenance already awarded. But the same can only be after the evidence is over.

In view of the aforesaid, the final determination of the issue so raised by the petitioner would be subject to the evidence placed before the Learned Trial Court. So far as the second issue is concerned that the lady is remarried the said point has never been agitated before the Learned Trial Court. Petitioner would be at liberty to place such points at the stage of cross-examination or at the stage of his own evidence before the Learned Trial Court. No interference is called for at this stage. However, the Learned Court would consider any change of circumstance and, thereafter, decide regarding outcome of the case.

With the observations, CRR 2724 of 2021 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.)