

26.9.2022
99
Ct. no. 652
sb

C.O. 3826 of 2019

Smt. Mousumi Sengupta
Vs.
Sri Bhaskar Sengupta

Mr. Sukanta Chakraborty
Mr. Anindya Halder ...for the petitioner

Mr. Debjit Mukherjee
Mr. Arnab Nandi
Mr. Anirban Tarafdar ...for the Opposite party

Affidavit of exception filed by the petitioner, be kept
with the record.

Being aggrieved and dissatisfied with the order no.
97 dated 27th August, 2019 passed by the learned
Additional District Judge, First Track Court-7, Alipore in
Misc. case no. 2 of 2015 arising out of Matrimonial suit
no. 2 of 2015, present revisional application has been
preferred.

By the impugned order, learned trial court after
considering the oral and documentary evidence was
pleased to dispose of the application under Section 24 of
the Hindu Marriage Act with a direction upon the
husband/opposite party to pay Rs. 10,000/- to the
petitioner and Rs. 15,000/- to the minor daughter per
month towards maintenance pendente lite. This court by
order dated 7th September, 2021, was pleased to ask the

parties to submit the affidavit of assets and liabilities in terms of judgment of the Apex court in case of **Rajnesh Vs. Neha and another reported in (2021) 2 SCC 324**. Parties have accordingly submitted the same.

In view of above, this revisional application being C.O. 3826 of 2019 is hereby disposed by setting aside the impugned order dated 27th August, 2019 with a direction upon trial court to consider the matter afresh in the light of the affidavit of assets and liabilities filed by the parties and the evidence if any, sought to be adduced by the parties and to dispose of the application under Section 24 of The Hindu Marriage Act within a period of three months from the date of communication of the order. Till disposal of Section 24 application, by the Court below the opposite party will pay Rs. 75,000/- (Rs. 40,000/- to the petitioner and Rs. 35,000/- to the daughter) per month towards interim maintenance. This amount will be subject to the payment made by the petitioner in the proceeding under Section 12 of the Domestic Violence Act or any other proceeding, if any.

The trial court will dispose of Section 24 application without being influenced by any of the observations made by this court.

The department is directed to send the affidavit of assets and liabilities, filed by both the parties, before the court below.

Accordingly, C.O. 3826 of 2019 is disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Ajoy Kumar Mukherjee, J.)