

24.11.2022
Item No. 32
BR

CRR 4295 of 2009

In the matter of :Pravat Kumar Palodhi

By filing this application under consideration the petitioner has assailed the order of maintenance passed by learned Additional Chief Judicial Magistrate, Ghatal in the proceeding under Section 125 of the Code of Criminal Procedure , registered as Misc. Case No. 42 of 2008 whereby learned trial Court was pleased to direct Pravat Kumar Palodhi the husband to pay a sum of Rs. 1500/- towards maintenance to his wife. The impugned order was passed 13 years ago and from the materials made available with the record I find that the factum of marriage stands admitted. It is also admitted that wife of Shri Pravat Kumar Palodhi had no independent source of income to maintain herself. Therefore, the husband has obligation to maintain his wife that he has incurred from the very factum of marriage. The husband failed to discharge his onus under Section 106 of the Evidence Act to prove his income.

Under such circumstances, I do not find any reason to interfere with the order impugned.

The revisional application is bereft of merit and is dismissed. Interim order, if any, stand vacated.

Let a copy of the lower Court record be sent to the learned trial Court for information and necessary action. Applications are also disposed of.

All parties are to act on the server copy of this order duly downloaded.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Siddhartha Roy Chowdhury, J.)