

29.
19.01.2022
F.B.
Ct. No. 29.

C.R.R. 4223 of 2011

**Swapan Deb
Vs.
Kakali Deb (Choudhury)**

None appears on behalf of the petitioner.

From the record it appears that on 25.01.2012 the petitioner was directed to pay maintenance Rs. 500/- per month to his wife/respondent and Rs. 1,000/- for minor daughter and subject to payment of that amount stay was granted till hearing of the application but in case of any default in single payment, stay would be automatically vacated.

The petitioner was also directed to serve copy of the application upon the opposite party and to file affidavit-of-service on the next date fixed for hearing. After the aforesaid order was passed on 25.01.2012 the petitioner took no steps and did not file any affidavit-of-service.

The instant revisional application is directed against the order dated 24.08.2011 passed by learned Judicial Magistrate, 4th Court, Alipore in Misc. Case No. 263 of 2011 whereby learned Magistrate granted interim maintenance in favour of the wife/respondent a sum of Rs. 2,000/- per month and Rs. 1,000/- per month for her minor daughter. Being aggrieved and

dissatisfied with the said order the instant revisional application has been filed challenging the order of interim maintenance.

On careful perusal of the order, I find that learned Magistrate had to dispose of the interim application only on perusal of the application itself and reply thereto.

On careful perusal of the petition and objection thereto, learned Magistrate came to his finding considering the fact of refusal to maintain his wife and daughter and also considering the averments regarding income of the petitioner/husband.

After going through the entire order impugned, I do not find any illegality, irregularity or perversity to interfere with the same.

Thus, the revisional application stands dismissed. Stay granted earlier by this Court stands vacated.

Let a copy of this order be communicated to learned Judicial Magistrate, 4th Court, Alipore for information.

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

(Bibhas Ranjan De, J.)