

D/L44
May 10,
2022
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C.R.R. No.1375 of 2020
With
CRAN 1 of 2020

In Re: An application under Section 482 read with Section 401 of the
Code of Criminal Procedure;

Tanmoy Dutta
Versus
Moumita Dutta & Ors.

Mr. Kalyan Kumar Chakraborty,
Mr. Kashinath Bhattacharya,
Mr. Ashok Halder,
Mr. Rounak Majumdar.
...for the petitioner.

Mr. D. Dandapath,
Mr. B.P. Samanta.
...for the opposite parties.

The revisional application has been preferred in respect
of an order dated 4th February, 2022 passed under Section 23 of the
Protection of Women from Domestic Violence Act, 2005 in
connection with Misc. Case No.56 of 2018.

I find from the impugned order there are two parts. The
first part of the order relates to residential purpose and the second
part of the order relates to maintenance allowance in respect of the
wife and the minor child.

It has been submitted by both the parties that there are
other proceedings pending between the parties under different
statutes.

Be that as it may, if adjustments are required to be made

in accordance with the settled proposition of law, the learned trial court itself can allow the highest quantum which has been decided under the provisions of any statute is to be paid and there would be adjustment in respect of the award of maintenance in respect of the other statutes.

I do not find any reason for the petitioner to evade the statutory powers under Section 29 of the Protection of Women from Domestic Violence Act, 2005.

In view of the prayers sought for before this Court, I do not find any urgency in the application for avoiding the regular forum and calling for the High Court to exercise its inherent jurisdiction.

In view of the observations made above so far as the maintenance allowance is concerned and its adjustment, the learned trial court would consider the same. No interference is called for in respect of the rest of the provisions.

Accordingly, CRR 1375 of the 2020 is disposed of.

Pending application, if any, is 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.)