

IN THE HIGH COURT AT CALCUTTA  
CIVIL REVISIONAL JURISDICTION  
APPELLATE SIDE

**CO 339 of 2023**

Rajib Bhattacharya  
Vs.  
Smt. Poly Mal (Bhattacharya)

Mr. Suman Banerjee  
... For the petitioner

Mr. Suman Chakrabarty  
... For the opposite party

In this application challenge is the order no.15 dated 19<sup>th</sup> December, 2022 in connection with Misc. Case No.55 of 2021 arising out of an application under Section 24 of the Hindu Marriage Act.

It is not disputed that both the parties to this Misc. Case are Civic Volunteers having monthly income of Rs.9,000/-. It is also not disputed that the son is residing with his mother/opposite party who had to incur expenditure towards maintenance of the son including the expenditure towards education of her son who is studying in a reputed English Medium school.

Learned Judge at the time of passing order under Section 24 of the Hindu Marriage Act has taken note of the expenditure, particularly, in respect of education of the son of the petitioner and recorded order directing the husband/petitioner to pay Rs.3,500/- per month towards

maintenance of the minor son and Rs.1,500/- per month towards maintenance of his wife.

Mr. Suman Banerjee, learned advocate, on behalf of the petitioner/husband has contended before this Court that both the parties are Civic Volunteers having income of Rs.9,000/- per month each and that apart the petitioner/husband has other liabilities of his family and he is the only earning member of the family. It is also submitted on behalf of the petitioner that the opposite party/mother has also responsibility to provide maintenance towards his son.

Mr. Suman Chakrabarty, learned advocate, on behalf of the opposite party/wife has submitted that the opposite party/wife has to incur huge expenditure towards education of her son who is studying in a reputed English Medium school and it was not possible for the opposite party/wife to run the family with such meagre amount.

On careful perusal of the impugned order, I find that the learned Judge concentrated on the expenditure towards education of the son and also considering the liability of the father being an able-bodied person.

Considering the submissions advanced before this Court, I find that both the parties to this application are responsible to maintain the son as both of them are employed as Civic Volunteer having income of Rs.9,000/- per month.

Considering the aforesaid facts and circumstances, it also appears that Rs.3,500/- is not at all sufficient for maintenance of a son who is studying in a reputed English Medium school.

From that particular point of view, I find no reason to interfere with the order dated 19<sup>th</sup> December, 2022 passed by the learned Additional District Judge, 2<sup>nd</sup> Fast Track Court, Hooghly at Chinsurah, invoking Article 227 of the Constitution of India.

In the result, this revisional application, being CO 339 of 2023, fails and stands dismissed.

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

**(Bibhas Ranjan De, J.)**