In the High Court at Calcutta
(Civil Revisional Jurisdiction)
Appellate side

S/L No. 49
10.05.2023
Ct-237
(RD)

C.O. 343 of 2023
(CAN 1 of 2023)

Arabinda Roy
Vs
Kum Kum Roy

Ms. Ameena Kabir, Adv.
Mr. Robert D. Rozaria, Adv.
.... For the petitioner/appellant

Mr. Diptendra Nath Basu, Adv.
Mr. Dipak Kr. Mookherjee, Adv.
... For the opposite party

In re: CAN 1 of 2023

By filing the instant application petitioner virtually challenged the order dated 20.02.2023 passed by Hobble justice Subhasis Dasgupta in CO No. 343 of 2023 contending, inter alia, that alimony pendente lite was inappropriately assessed without considering the actual income of the petitioner/husband.

Ld. Adv. Ms. Ameena Kabir has contended that the Revision Application being no. C.O 343 of 2023 was filed challenging the order dated 11.1.2023 passed by Learned 6th Additional District Judge, Alipore in Misc. Case No. 31 of 2001 under Section 24 of the Hindu Marriage Act, 1955 wherein Learned Judge awarded 50,000/- per month as alimony pendente lite.

Ms. Kabir has tried to make this court understand that alimony pendente lite was assessed without going through the affidavit of assessed filed by the petitioner/ husband thoroughly.

Learned adv. Mr. Diptendra Nath Basu has drawn my attention to the statement of account for the year ending 31st March, 2022 submitted before the Income Tax Authority.

Mr. Basu has further contended that petitioner husband is dealing in hardware possessing six number of stalls having two godowns. Mr. Basu next pointed out that amount mentioned in the statement of account which was interpolated.

It is not disputed that civil revision being no. CO 343 of 2023 is yet to be disposed of and by the order dated 20.02.2023 petitioner/husband was directed to pay 35,000/- per month as *ad hoc* sustenance allowance for wife and minor daughter till end of May 2023 or until further order whichever is earlier order.

All the matters relating to affidavit of assests and other documents are to be considered at the time of disposal of revision application being no C.O 343 of 2023.

However, considering all prima facie facts and circumstances and also keeping in view of the hardware business occupying six numbers of stalls, I am of the opinion that *ad hoc* sustenance allowance may be determined, at this prima facie stage, as Rs. 30,000/- per month.

Accordantly, petitioner/husband is directed to pay the ad hoc substance allowance of Rs. 30,000/- to the op/

wife within 10th day of each succeeding month till the disposal of the revision application being no. CO 343 of 2023 or until further order, whichever is earlier.

In the aforesaid view of the matter the CAN applications stands disposed off.

CO 343 of 2023

Let the matter be appeared in the monthly list of June.

(Bibhas Ranjan De)