

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

C.R.R. 863 of 2023

***Arijit Mukherjee
Vs.
Chandrima Banerjee nee Mukherjee***

For the petitioner : Mr. Sardar Amzad Ali, Sr. Adv.

Heard on : 17.04.2023.

Judgment On : 17.04.2023.

Bibek Chaudhuri, J.

Affidavit-of-service be taken on record.

The opposite party is the legally married wife of the petitioner. Their marriage was solemnized on 26th February, 2020 followed by registration on 21st March, 2020.

However, marital life of the parties was not happy. As a result of matrimonial discord, the opposite party filed a petition under Section 125 of the Code of Criminal Procedure claiming maintenance, a case under the Protection of Women from Domestic Violence Act claiming monetary allowance equivalent to the monthly rent of a separate accommodation, a complaint under Section 498A/406 of the

Indian Penal Code. The petitioner has also filed a suit for restitution of conjugal rights under Section 9 of the Hindu Marriage Act.

In the proceeding under Section 125 of the Code of Criminal Procedure Code being Misc. Case No. M-315/2022, the learned Judicial Magistrate, 3rd Court at Barrackpore disposed of a petition for interim maintenance filed by the opposite party vide order dated 8th December, 2022 directing the petitioner to pay interim maintenance to the opposite party at the rate of Rs.4,000/- per month from the date of filing application.

On 9.12.2022, the opposite party filed Execution Case No.132 of 2022 praying for realization of Rs.28,000/- towards arrear maintenance allowance for seven months at the rate of Rs.4,000/- per month. This order is assailed in the instant revision.

I have heard learned Advocate for the petitioner.

I do not find any reason to set aside the impugned order dated 9.12.2022. The learned Magistrate did not commit any jurisdictional error in passing the order dated 9.12.2022 in Misc. Execution Case No.132 of 2022.

Accordingly, the instant revision is summarily dismissed.

(Bibek Chaudhuri, J.)

**Mithun De/
A.R. (Ct).
SI No.07.**

D/L.