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C.O. 757 of 2023

**Sri Rajat Ghosh
Vs
Smt. Ratna Ghosh**

Mr. Debasish Sarker,
Mr. Anshuman Patra,,
Mr. Mrinmoy Chatterjee ... For the petitioner.

Mr. Nonigopal Chakraborty,
Mr. Debnath mahato ... For the opposite party.

This revisional application has been filed challenging the Order No. 77 dated 2nd February, 2023 in connection with Matrimonial Suit No. 283 of 2015 pending before the learned Additional District Judge, 1st Court, Sealdah whereby learned Judge dismissed the application for modification of order of maintenance passed in CO 589 of 2019 and CO No. 532 of 2019 in terms of liberty to the petitioner/husband to approach before the Trial Court for seeking modification/ variation of the order of alimony pendente lite.

Learned advocate appearing on behalf of the petitioner/husband has submitted that in the meantime the petitioner/husband has retired from service and drawing pension of Rs.30,000/-. On query of this court, no document has been filed in support of the quantum of pension.

Learned advocate appearing on behalf of the petitioner further submitted that cost of Rs.5,000/-

ought not to have been imposed by the learned Judge.

Considering all facts and circumstances particularly, non-deposit of mediation cost and filing of modification and maintenance order passed by the Hon'ble Court, I find no reason to interfere with the order impugned. However, petitioner/husband is still at liberty to file application for modification/variation of the maintenance order, in case of any changed circumstances, obviously supported by documents before the learned Judge subject to payment of 50% of arrears maintenance, if any.

With this observation and direction, the revisional application stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Bibhas Ranjan De, J.)