

Item No. 11
04.09.2023
Court. No. 19
GB

C.O. 781 of 2023

Mantu Biswas
Vs.
Shatabdi Biswas Sarkar

Mr. Moyukh Mukherjee,
Mr. Abhijit Singh,
Mr. Suvasis Saha

...for the Petitioner.

The revisional application arises out of an order dated January 9, 2023 passed by the learned Additional District Judge, Purba Bardhaman in Miscellaneous Case No.10 of 2021. The said misc. case arose out of Matrimonial Suit No.137 of 2021 filed by the husband for dissolution of marriage on the ground of coercion and cruelty.

The learned court below directed payment of Rs.10,000/- per month to the opposite party/wife and Rs.8,000/- for the minor child. The child is admittedly 8 to 9 years old. One time litigation costs of Rs.30,000/- was also allowed. The arrear dues on and from the date of filing of the application under Section 24 of the Code of Civil Procedure till the month prior to January 2023 was directed to be paid upon adjusting the money which was sent by the petitioner via money order.

The learned advocate for the husband/petitioner submits that the wife wilfully left the matrimonial home and as such she was not entitled to any maintenance. That the petitioner had additional expenditure of paying an EMI for his newly purchased flat apart from maintaining his parents, his brother and himself. That the wife had claimed

Rs.16,000/- as maintenance for herself and the child in an application under Section 125 of the Code of Civil Procedure, but in the application under Section 24 of the Hindu Marriage Act, the amount was enhanced to Rs.18,000/-.

This Court finds that the learned court below considered the evidence on record, the contentions of the parties, the affidavit of assets, the expenses of the husband, the income and expenditure of the husband, unemployment of the wife and the money receipts showing past payments made by the husband.

Under such circumstances, this Court does not find any reason to interfere with the order impugned, save and except that the order impugned is modified to the following extent.

That the expression 'exhausting' in the 7th paragraph of the order impugned shall be read as 'adjusting'. The timelines for payment shall be extended and recast. As the petitioner has not paid any of the amount as directed hereinabove, the learned court below, shall extend the dates as per law and upon hearing all the parties.

The petitioner is granted liberty to approach the learned court below for extension of time and the learned court below shall prescribe a timeline with regard to the payments to be made, but there is no interference with the order passed by the learned court below with regard to the quantum and payment of arrear maintenance pendente lite.

Accordingly, the revisional application is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Shampa Sarkar, J.)