

D/L22
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C.R.R.915 of 2021

In Re: An application under Section 401 read with under Section 482 of the Code of Criminal Procedure;

Monoj Kumar Das
Versus
Anjali Das

Mr. Sabyasachi Chatterjee,
Mr. Sandipan Das,
Mr. Badrul Karim,
Mr. Dipankar Das.
...for the opposite party/wife.

The petitioner has approached this Court challenging the order dated 25th February, 2021. From the order dated 25.02.2021 it reflects that the learned Judicial Magistrate, 7th Court at Alipore was pleased to allow the prayer for maintenance at the instance of the wife/opposite party. Learned Magistrate awarded maintenance of Rs.4,000/- per month to the wife and Rs.3,000/- per month for the minor son, aggregating to a sum of Rs.7,000/- per month.

It has been submitted that the petitioner is not paying the maintenance and, as such, Misc. Execution Case has been filed and is pending before the learned Magistrate.

The subject-matter of the present revisional application relates to the quantum of maintenance. I find that the learned Judicial Magistrate while arriving at his opinion assigned reasons that the testimony of P.W.1 remained unchallenged so far as the status of the petitioner and the opposite party is concerned. Learned court assessed the capacity of the husband to pay the

amount.

Having considered the quantum which has been awarded as maintenance, I am of the opinion that no case has been made out for interference of the same.

Accordingly, CRR 915 of 2021 is dismissed.

Pending application, if any, is consequently dismissed.

Learned Judicial Magistrate is directed to exhaust the provision of law so far as the execution case is concerned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)