

S/L 15
17.11.2023
Court. No. 29
Suvayan

**RVW 166 of 2023
With
CAN 1 of 2023
In
CO 998 of 2022**

**Tanmoy Biswas
Vs.
Mou Biswas alias Mou Mukherjee**

*Mr. Arun Kumar Halder
Ms. Varsha Roy*

...for the petitioner/applicant.

*Mr. Rwitendra Banerjee
Mr. Shibasis Chatterjee*

...for the opposite party.

1. Heard Ms. Varsha Roy, learned Advocate for the petitioner and Mr. Rwitendra Banerjee, learned Advocate for the opposite party in support of and against the review application as filed under Section 114 read with Order 47 of the Code of Civil Procedure.

2. By filing the instant review application, the petitioner has prayed for review of the order as passed by this Court on 26.06.2023 in CO 998 of 2022. While disposing CO 998 of 2022 this Court directed the present petitioner/husband to pay Rs. 20,000/- per month as *alimony pendente lite* to the opposite party herein towards the maintenance of the wife of the present petitioner as well as his minor daughter. Apart from the said amount this Court fixed the cost of litigation to the tune of Rs. 40,000/- and those amounts were directed to

paid in regular interval as specifically mentioned in the said order.

3. Learned Advocate for the petitioner in course of her submission draws attention of this Court to the review petition. It is contended by her that in course of hearing of CO 998 of 2022 the present petitioner/husband in spite of his due diligence could not bring into the notice of this Court the expenses of the petitioner towards repayment of house building loan to the tune of Rs. 13,600/- per month and his recurring expenses to the tune of Rs. 9,000/- per month for his elderly ailing parents. Learned Advocate for the petitioner/husband thus submits that on account of such inhabitable expenses the order passed in CO 998 of 2022 be reviewed leniently and the quantum of *alimony pendente lite* be diminished at least to a some extent.

4. Mr. Banerjee, however, submits that there cannot be any justification to entertain the instant review application since in the disguise of filing the instant review application the present petitioner/husband has made an attempt to persuade this Court to revisit its own order which is not permissible in the eye of law.

5. This Court has meticulously gone through the entire materials as placed before this Court. This Court has also given its due consideration over the submissions of the learned Advocate for the contending parties. It reveals to this Court that while disposing CO 998 of 2022 this Court has meticulously gone through the entire

materials as placed before it in order to assess the income of the petitioner/husband as well as his expenditure and at the same time this Court has made an attempt to visualize the requirement of the present opposite party who is the wife of the present petitioner and her minor daughter who is completely dependant upon her mother. In view of such there cannot be any scope to review the order passed by this Court in CO 998 of 2022.

6. For the shake of argument even if this Court accepts that the present petitioner/husband has to pay Rs. 13,600/- per month towards E.M.I. of his house building loan and to incur a sum of R. 9,000/- per month for the treatment of his ailing parents, there cannot be any justification to diminish the quantum of *alimony pendente lite* considering the total take home salary of the present petitioner.

7. This Court, thus, finds no merit in the instant review application and there is hardly any scope to revisit this Court's own order as passed in CO 998 of 2022 on 26.06.2023.

8. As a result, the instant review application being RVW 166 of 2023 is dismissed on contest. The interim order as passed by this Court on 15.09.2023 stands hereby rejected.

9. It is reported that as on this day the petitioner/husband has not complied with the order dated 26.06.2023 as passed in CO 998 of 2022. In view of such this Court in exercise of its plenary power directs

learned Additional District Judge, 3rd Court, Berhampore, District – Murshidabad to start garnishee proceeding in Miscellaneous Case No. 08 of 2020 arising out of Matrimonial Suit No. 159 of 2019 so that the amount directed by this Court to be paid by the petitioner can be recovered from his employer by deducting his salary excepting the statutory deductions.

10. With the disposal of the instant review application the interim application being CAN 1 of 2023 is also disposed of.

11. Parties to act on the server copies of this order.

12. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)