

26.4.2023
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SB
Ct. No.236

CRR 1254 of 2011

In the matter of : Sri Biswanath Seth

Mr. B. K. Panda
Ms. Sima Biswas ... for the State

None is appearing on behalf of the petitioner.

This revisional application challenges the judgement and order dated 01.2.2010 passed by the Court of learned 3rd Judicial Magistrate, Alipore in Misc. Case No. 620 of 2006 granting maintenance to the tune of Rs. 5,000/- per month in favour of Smt. Chandrawati Devi.

Briefly stated, Smt. Devi depicting herself as legally married neglected wife of Sri Biswanath Seth, the petitioner herein filed an application under Section 125 of Cr.P.C. seeking maintenance for herself.

It is contended that her husband is an employee of Port Trust, Kolkata. But despite her weakness he was not willing to maintain his wife and his family members. Biswanath Seth appeared before the learned Trial Court but ultimately decided not to contest the said proceeding.

Learned Trial Court after considering the materials on record was pleased to pass the order impugned. From the impugned order, I find that relationship between the parties of man and wife stands admitted. The petitioner ought to have disclosed that she does not have the means to maintain herself and her

husband is working for gain in Port Trust, Kolkata. Since the petitioner being the husband incurr the obligation to maintain his wife who does not have any means sufficient to maintain herself, I do not find any reason to interfere with the order impugned.

The revisional application is devoid of merit and is dismissed without any order as to costs.

Let a copy of the order be sent to the learned Trial Court for information and necessary action.

(Siddhartha Roy Chowdhury, J.)