

Form J(1)

**IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
Appellate Side**

**Present :
The Hon'ble Justice Bibek Chaudhuri**

**CRR 1641 of 2022
With
CRAN 2 of 2022**

**Avinash Bagaria and Ors.
Vs.
The State of West Bengal and Anr.**

Ms. Sreeparna Das
..for the petitioner

Mr. Krishan Ray
..for the O.P. No.2.

Mr. Imran Ali
Ms. Debjani Sahu
..for the State

Item No. 01

Heard & Judgment on: 24.01.2023

Bibek Chaudhuri, J.

This is an application for modification of the order dated September 15, 2022 passed by this Court upon hearing of both the sides.

By the said order this Court admitted the revision subject to the condition that the petitioner shall go on paying monetary relief at the rate of Rs.25,000/- per month without prejudice to the opposite party No.2 till the disposal of the instant case.

It is submitted on behalf of the opposite party by filing the instant petition that at present a sum of Rs.5,05,000/- is due towards arrear maintenance. It is also submitted that previously the petitioner did not pay any maintenance and the petitioner is liable to pay arrear maintenance which is lying due to the tune of Rs.5,05,000/-.

It is submitted on behalf of the petitioners that the opposite party No.2 has suppressed certain factual matters regarding her employment, her monetary income etc. The statement regarding income of the present petitioner is also disputed. It is also submitted by the learned advocate for the opposite party/applicant that the opposite party has assailed the order of the Appellate Court under Section 29 of the Protection of Women from Domestic Violence Act in the instant revision and

such factual aspects are required to be proved to ascertain as to whether the petitioner is under obligation to pay such arrear amount of money or not.

The learned advocate for the wife/opposite party has raised vehement objection against such prayer. It is submitted that the husband/opposite party has been going on depositing at the rate of Rs.25,000/- per month as per the order of this Court. The amount of arrear maintenance is disputed.

Be that as it may, the instant application is disposed of directing the husband/petitioner to deposit a sum of Rs.50,000/- lump sum in addition to the direction made in the order dated 26th September, 2022 in the Court below in the name of the petitioner within a fortnight without prejudice. The quantum of arrear maintenance will be decided subsequently. If any execution case is filed against the present petitioners claiming arrear maintenance from the order of the trial Court or the Appellate Court, the learned Magistrate shall lay off his hands in passing any order during the pendency of the instant revision.

The instant revision is disposed of.

(Bibek Chaudhuri, J.)

