

D/L23
30.08.2023
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C.R.R.1397 of 2023

In Re: An application under Article 227 of the Constitution of India;

Bhaskar Mridha
Versus
Sampa Mridha and another

Md. Younush Mondal
Mr. Kinkar Chandra Basu.
...for the petitioner.

Ms. Payel Mitra.
...for the opposite party no.1.

The revisional application was preferred challenging the order dated 15.02.2023 passed by the learned Judicial Magistrate, 4th Court, Barrackpore, North 24 Parganas in connection with a proceeding under Section 127 of the Code of Criminal Procedure being Misc. Case No.15 of 2018.

The foundation of the order of the learned Magistrate was that the husband retired from service in the year 2019 with pensionary benefits of Rs.78 lakhs and his last drawn salary on 31st December, 2019 was Rs.2,05,140/-. Consequently, he is getting pension of Rs.85,308/- per month. The husband was a Senior Managerial Officer of NABARD.

Having considered the foundation on which the quantum of maintenance was enhanced and fixed at Rs.30,000/- per month for the wife, I am of the view that, in the circumstances of the present case, the same do not call for any interference.

Learned advocate appearing for the opposite party submits that there are arrears and dues which is a predicament for

the wife/opposite party to meet her regular expenses. Learned advocate also submits that three execution cases are pending.

Learned Magistrate is directed to see that the arrears are cleared within a reasonable period of time.

With the aforesaid observations, CRR 1397 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

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.)