

17.5.2023

ct. 236

sk,sl. 36

C.R.R. 1537 of 2011

In the matter of : Chaitali Ghosh(Sinha)

This revisional application challenges the order dated 3rd July, 2011 passed by the Additional Chief Judicial Magistrate at Durgapur in connection with Misc. Case No. 22 of 2008 under Section 125 of the Code of Criminal Procedure.

None appears for the petitioner.

The fact of the case in short is that Smt. Chaitali Ghosh(Sinha), the petitioner herein, depicting herself as neglected wife of Sri Avijit Ghosh contended that their marriage was solemnized on 27th July, 1996. She gave birth to two children. She was not accorded with dignity in her matrimonial home. She was treated with cruelty and was driven out of her matrimonial home. According to the petitioner, she has no means to maintain herself or her children, while her husband earns a sum of Rs. 25,000/- per month. Despite having means he does not pay any maintenance to the petitioner and two of her children.

The opposite party, Avijit Ghosh contested the proceeding by filing written objection admitting the relationship but he denied that he earns a sum of Rs. 25,000/- per month. Learned trial court after considering the evidence on record allowed the petition granting Rs. 3,000/- towards maintenance of the petitioner and Rs. 2,500/- each for her two children from the date of order.

Aggrieved by such order of learned trial court petitioner, Chaitali Ghosh filed this application claiming enhancement of quantum of the maintenance to the tune of Rs. 5,000/- in place of the quantum of maintenance awarded by learned trial court.

This revisional application was filed on 18th July, 2011.

The revisional application is dismissed, with liberty to the petitioner to move the learned trial court for modification of the order of maintenance under Section 127 of the Code of Criminal Procedure.

Let a copy of this order along with LCR be sent down to the trial court forthwith.

Urgent photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Siddhartha Roy Chowdhury, J)