

10-08-2023
Subha
Item no.89
Ct no.34

IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction

C.R.R 1772 of 2022

In the matter of: Abhijit Kumar Das

Ms. Soma Chowdhury(Bandhu)
...for the opposite party.

Re : CRAN 2 of 2023

There is a delay in preferring the application for restoration
The grounds so assigned in the application for condonation of delay
are found to be justified and sufficient. Accordingly, the application
under Section 5 of the Limitation Act being CRAN 2 of 2023 is allowed.

Re : CRAN 3 of 2023.

Learned advocate for the petitioner has drawn the attention of this
court to paragraph 14 of the application. The grounds so assigned in
the application cannot be assigned to any latches on the part of the
litigant. Accordingly, the order dated 23.02.2023 is recalled and the
application for vacating being CRAN 1 Of 2022 is restored to its
original file and number.

Re : CRR 1772 of 2022

Record of this revisional application reflects that the subject
matter of challenge related to the order dated 21st January, 2022
passed by the learned Judicial Magistrate, 2nd court, Chandannagore,
Hooghly wherein the learned Magistrate was pleased to award interim
maintenance of Rs.25,000/- per month.

The order dated 21.03.2022 reflects that the husband was

working as senior scientist for TCS and drawing a salary of approximately Rs.2,00,000/-.

Having regard to the prima facie material appearing before the learned Magistrate, I am of the opinion that there is no scope for interference in the quantum of maintenance so awarded by the learned Judicial Magistrate, 2nd court, Chandannagore in connection with Misc Case No. MC No.159 of 2020 dated 21.03.2022. The husband/petitioner (before this court) will be at liberty to adduce evidence during trial to show his expenditure and/or other liabilities for rebutting such contention in course of the trial.

With the aforesaid observations, the revisional application being CRR 1772 of 2022 is disposed of.

Pending applications, if any, are consequently disposed of.

Interim order, if any, is hereby vacated.

All concerned parties are to act in terms of a copy of this order duly downloaded from the official website of this court.

[Tirthankar Ghosh, J]

