

13.04.2023

Item No.23
Ct.No.34
dc.

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION**

**C.R.R. 1604 of 2021
with
CRAN 1 of 2021**

**Indrani Bandhyapadhyay
versus
Sri Tapas Bandhyapadhyay**

Re: CRAN 1 of 2021
(an application under Section 5 of the Limitation Act)

The petitioner prays for condonation of delay of 707 days in preferring this revisional application.

The reasons so assigned in the application for condonation of delay are found to be just and sufficient. Accordingly, delay is condoned. The application being CRAN 1 of 2021 is, thus, allowed.

Re: CRR 1604 of 2021

The primary grievance of the petitioner is that the learned Magistrate in his judgment and order dated 10.01.2018 in Misc. Case No. 71 of 2012 (T.R. Case No. 44 of 2012) awarded maintenance to the petitioner to the tune of Rs.10,000/- per month which was to be paid from the date of the order.

Having considered the provisions of law as well as the operative part of the order passed by learned Judicial Magistrate, 3rd Court, Katwa, I direct that in case there was any order of interim maintenance prior to the maintenance being awarded on 10.01.2018, in that case, the learned

Magistrate will give effect to the award of maintenance from the date of the order, in the alternative, if there was no order of interim maintenance, the learned Magistrate will assign special reasons as to why the maintenance should not be awarded from the date of filing of the application. It would be pertinent to state that ordinarily such an order of maintenance should be granted/awarded from the date of filing of the application.

The petitioner is granted liberty to bring the order to the notice of the learned Judicial Magistrate, 3rd Court, Katwa who would reconsider his order in the background of the observations made above. Such reconsideration should be completed within a period of three months from the date of communication of this order.

With the aforesaid observations, the revisional application being CRR 1604 of 2021 is disposed of.

Pending connected applications, if any, are 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 with all requisite formalities.

(Tirthankar Ghosh, J.)