

19.07.2023
Sl. No.16(DL)
srm

C.O. No. 1685 of 2023
Smt. Dolon Singha Roy @ Dutta
Versus
Shri Subha Singha Roy

Mr. Partha Ghosh,
Mr. Amal Kumar Datta,
Ms. Simran Sureka,
Mr. Debashis Das,
Mr. Rahul Agarwala

...for the Petitioner.

Mrs. Priyanka Jana,
Mr. Bikramjit Mandal

...for the Opposite Party.

The wife has challenged an order dated February 20, 2023 passed by the learned Additional District Judge, 7th Court, Paschim Medinipur. By the order impugned, an amount of Rs.4,500/- per month in addition to Rs.5,000/-, which was payable under the provisions of Domestic Violence Act, has been directed to be paid by the husband as maintenance *pendente lite*.

The learned court below, upon considering the status of the husband and the income of the husband had directed as such. Further, litigation cost of Rs.20,000/- was also directed to be paid. The Court took into consideration the income of the wife of Rs.11,000/- per month and passed the order.

Having gone through the materials on record, this Court finds that the wife's job is contractual, and renewable on a year to year basis. There is no certainty to such income. She does not have any security of service as of now. This contractual nature of the work of the wife was not taken into consideration by the learned court below. Moreover, the learned court below ought to have also taken into consideration the expenses the wife would incur if she would have to stay in a rented accommodation. The security of staying at a parents' house after marriage, cannot be a ground to determine the quantum of maintenance. Rather, while computing the maintenance payable to the wife, the expenses including rental expenses, electrical charges, maintenance cost of the house, etc. should also be looked into.

Hence, the order impugned is modified to the extent that instead of Rs.4,500/- per month, the husband will pay Rs.10,000/- per month in addition to Rs.5,000/- per month payable under the Domestic Violence Act.

This order is being passed taking into consideration the following factors:

- (a) The contractual nature of the wife's job which has no security.

- (b) The income of the husband who is a Block Development Officer.
- (c) Status of the husband who is a Grade-A Officer of the West Bengal Civil Services.
- (d) The wife is entitled to line in the same status as her husband.
- (e) The expenses the wife would incur if she was living in a rented accommodation.

Such payment shall take effect from date of the application. The maintenance, as directed above, shall be paid month by month within 10th of the succeeding month. First payment shall be made within August 10, 2023. The arrears on account of enhancement by this Court, shall take effect from the date of filing of the application under Section 24 of the Hindu Marriage Act and shall be liquidated in six monthly instalments beginning from August, 2023. Fraction, if any, be added to the last instalment. The amount already paid will be adjusted.

With the above observations, the revisional application is disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)