

13.01.2023
Court No.35
Item no.46
sanjay

CRR 2304 of 2016

Sriparna Sarkar
Vs.
The State of West Bengal & Anr.

Mr. Phiroze Edulji,
Ms. Rajnandini Das for the petitioner.

The petitioner has come up challenging the non-compliance by the opposite party no.2 of this Hon'ble Court's order dated 03.02.2012 for payment of a sum of Rs.4,000/- per month during pendency of her case under Section 125 Cr.P.C. in the Trial Court.

By filing a supplementary affidavit the petitioner has affirmed that a sum of Rs.72,000/- in terms of the said order of this Court has already been remitted to her by the opposite party no.2.

It is submitted on behalf of the petitioner that during pendency of the revisional case, the case under Section 125 Cr.P.C which was pending before the Trial Court has been disposed of. The judgment delivered therein has been assailed in a separate revision case. So far as this case is concerned, the petitioner has prayed for necessary direction to be given upon the opposite party no.2 to pay the balance amount in terms of this Court's earlier order dated 03.02.2012.

Order of this Court dated 17.9.12 reveals that the present opposite party husband has undertaken to pay a sum of Rs.4,000/ per month. He has also acted upon in terms of Court's direction to that effect.

Accordingly, I find it not to be disputed that the opposite party no.2 is to pay the petitioner at the rate of Rs.4,000/- per month in terms of this Hon'ble Court's order dated 17.09.2012 till the date when the petitioner's case under Section 125 Cr.P.C. was finally adjudicated by the Trial Court.

Hence this revisional application is disposed of with a direction upon the opposite party no.2 that over and above the amount already paid i.e., Rs.72000/-, the rest amount of money calculated at the rate of Rs.4,000/- per month starting from the date of this Hon'ble Court's order dated 17.09.2012 till the date of actual disposal of the petitioner's case under Section 125 Cr.P.C. by the Trial Court, i.e. 19.08.2016 be immediately paid within a period of 30 days from the date of this order.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Rai Chattopadhyay, J.)