

Item No. 41
03.10.2023
Court. No. 19
GB

C.O. 2211 of 2023

Shyamal Chowdhury
Vs.
Sumita Chowdhury

*Mr. Uday Sankar Chatoopadhyay,
Mr. Suman Sankar Chatterjee,
Mr. Rajashree Tah,
Ms. Trisha Rakshit,
Mr. Ashadeep Karmakar*

...for the Petitioner.

The revisional application arises out of an order August 12, 2022 passed by the learned Additional District Judge, 2nd Court at Barrackpore in Matrimonial Suit No.2624 of 2019.

By the order impugned, the learned court below directed payment of litigation costs of Rs.50,000/- and maintenance pendente lite of Rs.25,000/- per month. The learned court calculated the net income of the husband who is an employee of Eastern and North-East Frontier Railways Co-operative Bank. He is earning Rs.96,433/- per month. After statutory deduction and deduction of EMI paid towards house building loan, the net income of the husband was calculated to be Rs.66,236/-. Medical expenses of the petitioner was also taken into consideration to be Rs.20,000/- to Rs.25,000/-. Regular expenses were calculated. After deduction of all possible expenses of the husband, the court found that Rs.51,000/- was still remaining. Accordingly, Rs.25,000/- from the said amount was directed to be paid to the wife as maintenance pendente

lite which comes to around 1/4th of the salary of the petitioner.

Under such circumstances, the Court does not find any illegality in the order impugned. The husband is earning approximately Rs.1,00,000/-. It is expected that his estranged wife will also enjoy the same standard of living.

Calculating the possible expenses of the wife towards rent, food, clothing, medical expenses, etc., Rs.25,000/- is reasonable. The parties do not have any children. The learned court applied the law in its correct perspective and considered the materials available. The husband could not prove that the wife was gainfully employed.

Accordingly, the order impugned is upheld.

As the suit is pending since long, this Court directs the learned court below to dispose of the matrimonial suit within a period of six months from the date of communication of this order.

Accordingly, the revisional application is disposed of.

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

(Shampa Sarkar, J.)