

13.02.2023

CRR 2782 of 2022

Praesh Chandra Majumder
-Versus-
Sunita Majumder

For the petitioner: Mr. Somnath Mukherjee, Adv.,

For the opposite party No.1:-

Mr. Atis Kumar Biswas, Adv.,

Mr. Amit Singh, Adv.,

Ms. Jyoti Agarwal, Adv.,

Affidavit of service be taken on record.

An order dated 21st June, 2022 passed by the learned Additional Sessions Judge at Krishnanagar in Criminal Motion No.15 of 2022 arising out of Misc Case No.99 of 2019 is assailed by the petitioner in the instant revision.

The opposite party No.1 is the legally married wife of the petitioner. After so many years of marriage the opposite party No.1 suddenly left her matrimonial home and started to reside at her paternal home. The petitioner subsequently filed the suit for divorce against the opposite party No.1 which was registered as Matrimonial Suit No.368 of 1998 and the said Suit was decreed in favour of the petitioner on 3rd October, 2013. The opposite party No.1 filed an application under Section 125 of the Cr.P.C in the year 2000. The trial court passed an order allowing the application filed by the opposite party No.1 granting

maintenance allowance at the rate of Rs.2,500/- per month and directed the petitioner to make payment of the said amount. Subsequently the opposite party No.1 filed an application under Section 127 of the Cr.P.C praying for enhancement of maintenance allowance. The said application under Section 127 of the Cr.P.C was allowed by the learned Chief Judicial Magistrate, Nadia directing the petitioner to pay monthly maintenance allowance at an enhanced rate of Rs.4,500/- per month. It is submitted by the petitioner that the opposite party No.1 is a divorced wife and she is a job card holder. She is also working in a local Nursing Home. However, without considering the income, the learned Additional Sessions Judge, Nadia passed the impugned order 20th June, 2022 enhancing the opposite party's monthly maintenance allowance to Rs.4,500/-.

It is submitted by the learned Advocate for the petitioner that the petitioner earns Rs.11,750/- from his pension. Moreover he maintains his physically challenged child to whom opposite party/mother had renunciated. Without considering all such circumstances the learned Chief Judicial Magistrate at Nadia enhanced maintenance allowance from Rs.2,500/- to Rs.4,500/- per month and the said order was affirmed by the learned Additional Sessions Judge, 2nd court at Krishnanagar in Criminal Motion No.15 of 2022.

I have heard the learned Advocate for the petitioner. I have also perused the impugned orders. Learned Advocate for the petitioner draws my attention to the pension slip for the period between 1st February, 2022 to 7th March, 2022 net pension of the petitioner is Rs.11,746/-. However on perusal of the materials on record it is ascertained that the learned Advocate for the petitioner did not mentioned his pension benefit which he got at the time of his superannuation.

Considering the present day market price and minimum need of a lady to maintain her livelihood this Court is of the view that maintenance allowance at the rate of Rs.4,500/- is not inordinately excessive. Therefore, I do not find any reason to interfere with the impugned order. Hence, the instant revision is summarily dismissed.

(Bibek Chaudhuri, J.)