

D/L12
10.08.2023
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C.R.R.2795 of 2023
With
CRAN 1 of 2023

Dhananjay Maity
Versus
The State of West Bengal and another

Ms. Debapriya Mukherjee.
...for the petitioner.

In Re: CRAN 1 of 2023.

The revisional application is accompanied by an application under Section 5 of the Limitation Act.

Learned advocate appearing for the petitioner has prayed for condoning the delay of 33 days which exceeded the time limit for preferring the present revisional application.

I have considered the grounds, which have been assigned in paragraphs 5, 6, 7 and 8, and are just and sufficient.

Accordingly, the application for condonation of delay being CRAN 1 of 2023 is allowed.

In Re: CRR 2795 of 2023.

The subject matter of the revisional application relates to challenge in respect of the order dated 15.03.2023 passed by the learned Judicial Magistrate, 2nd Court, Tamluk, Purba Medinipur in connection with Misc. Case No.302 of 2020.

Records reflect that the learned Magistrate by the said order was pleased to allow the interim maintenance to the tune of Rs.10,000/- per month to be paid to the wife from the date of filing of the case.

Having regard to the status of the present petitioner/husband as also his earning being a teacher of a Government School/Government Aided School, I am of the opinion that the amount of interim maintenance of Rs.10,000/- per month so awarded by the learned Magistrate do not call for any interference.

Petitioner submits that he has to maintain other family members who are dependants. The evidence in such cases so far as the earning and expenditure should be placed before the learned trial court in course of evidence. Learned court would in the fitness of the circumstances reconsider, if possible after the trial is concluded while deciding the final quantum of maintenance.

With the aforesaid observations, CRR 2795 of 2023 is disposed of.

Pending application, if any, is 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 of all requisite formalities.

(Tirthankar Ghosh, J.)