

20.12.2023
Court No. 19
Item no.19
CP

C.O. No. 2530 of 2022

With

CAN 1 of 2023

Sri Arindam Sain

Vs.

Smt. Runa Sain nee Sarkar

Mr. Manabendra Thakur

Mr. Partha Sarathi Das

.....for the petitioner.

Mr. Kaustav Chandra Das

.....for the opposite party.

The revisional application was admitted by this court on the submission that the take home salary of the petitioner/husband was around Rs.47,000/-. Today, the matter has appeared for final hearing. The original affidavit of assets has been perused by this court.

Taking into consideration the gross income from salary, the income from other sources etc., the total income of the petitioner as stated in affidavit of assets, affirmed in June, 2022, is Rs.57,612.12/-. It appears that the net income of the petitioner is Rs.49,236.12 after allowing the deductions and also taking into consideration the income tax paid. Thus, this court finds that the gross income from salary is Rs.53,289.63 with perks of Rs.2,200/-. The

petitioner works in a managerial capacity, at a nationalized bank.

Under such circumstances, this court is of the view that justice would be subserved if the petitioner pays at least one-third of the amount he earns, inclusive of the amount which is being paid as per the order in a proceeding under the Domestic Violence Act. The petitioner should pay a sum of Rs.20,000/- to the opposite party which includes the maintenance pendente lite for the child as well. The litigation cost of Rs.15,000/- shall also be paid. The learned court did not commit any illegality as the total income of the husband was considered. The information as stated in the affidavit of assets were also considered. Such amount shall be paid on and from the date of filing of the application, i.e., December 20, 2018.

The arrears from December 20, 2018 upto November, 2023 shall be paid @ Rs.20,000/- per month, subject to the adjustments of the amount already paid as per the direction in the other proceedings, if any, in six equal monthly instalments. First of such instalment will be paid with the current maintenance within January 10, 2024. Fraction, if any, will be added to the last instalment. Current maintenance from December, 2023 shall be paid within January 10, 2024 and, thereafter, month by

month @ Rs.20,000/- per month within the 10th of every succeeding month.

Failure to comply with the above order shall entitle the wife to proceed with the execution case, which is already pending.

The revisional application is accordingly disposed of. With such disposal, the connected application being CAN 1 of 2023 is also disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)