

26.07.2023

Item No.299

Ct.No.34

Sayandeep

C.R.R. 3263 of 2022

With

CRAN 01 of 2022

Mr. Sayan Bhattacharjee

versus

Smt. Rupsa Bhattacharjee & anr.

Mr. Susenjit Banik

Mr. Mrinal Saha

.....for the petitioner

Mr. Santanu Mukherjee

.....for the O.P. No. 1

The application being CRAN 1 of 2022 is taken up for hearing. The same has been filed with the prayer for recalling/vacating the earlier order dated 04.11.2022 passed in the main revisional application. Records reflects that the learned Judicial Magistrate 2nd Court, Barrackpore was pleased to award an interim maintenance of Rs. 15,000/- in M Case No. 973 of 2019. The co-ordinate Bench at the time of admission of the revisional application was pleased to direct as an interim measure to pay a sum of Rs. 7,000/- per month towards interim maintenance modifying the order passed by the learned Judicial Magistrate on 01.12.2021. Such order was passed on the basis of the documents produced by the learned advocate appearing for the petitioner that the petitioner was working in the nursing institute and was earning around Rs. 8,000/-. In the vacating application, the learned advocate appearing for the applicant/opposite party wife has also relied upon the document which reflects that she is without a job for a considerable period of time and at the relevant period when

the application under Section 125 was filed she was without a job. So far as the genuinity of the contentions are invloved, the same are to be considered at the stage of main proceedings which would be assessed by the learned Trial Court at the final stage of the argument of the case. In view of the fact that the there is a prima facie finding of the learned Magistrate that the husband had an earning in the year 2019 a sum of Rs. 62,000/- then in that case even if we accept that the wife is earning Rs. 8,000/- the wife is entitled to a life which is commensurate with the status led by the husband.

Accordingly I direct that the order dated 01.12.2021 be modified to the extent that the petitioner husband shall from the date of filing of the application pay a sum of Rs. 12,000/- towards interim maintenance till further orders of the learned Trial Court is passed either in the main proceedings or by way of invoking any other statutory provisions by the applicant wife.

With the aforesaid observations, CRR 3263 of 2022 along with CRAN 1 of 2022 are disposed of.

Pending any other applications are also disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)