

19.04.2023
Item No.08.
Suman
Ct.42

CRR 3354 of 2022

Sudipta Kumar Bandyopadhyay
Vs.
Mita Bandyopadhyay (Chakraborty)

Mr. Saptarshi Roy
Mr. Siddhartha Roy
Ms. Kakali Das Chakraborty
..for the petitioner

An order dated 13th July, 2022 passed by the learned Judicial Magistrate, 5th Court at Barrackpore in Miscellaneous Case No. 276 of 2021 granting the prayer for interim maintenance filed by the opposite party at the rate of Rs.16,000/- per month, is assailed in the instant revision by the husband /petitioner.

It is submitted by the learned advocate for the petitioner that the opposite party is the second wife of the petitioner. From his first marriage the petitioner has two daughters who are now pursuing their studies in Rajasthan. The learned Magistrate failed to consider the liabilities of the petitioner and assessed the interim maintenance without any basis. It is also submitted by the learned advocate for the petitioner that the opposite party stayed with the petitioner for few days and

thereafter she has filed a complaint under Section 498A of the Indian Penal Code with some false and baseless allegation. It is also submitted on behalf of the petitioner that the petitioner will be retired from service in the month of July, 2023.

The instant revision shall be heard.

The petitioner is directed to serve notice upon the opposite party under registered speed post with A/D and file affidavit of service within three weeks from the date of this order.

In the meantime, there shall be an order of stay of operation of the impugned order dated 13th July, 2022 on condition that the petitioner shall carry on paying a sum of Rs.8,000/- per month in favour of the opposite party without prejudice to the rights and contentions of the parties that may be raised at the time of final hearing of the instant matter.

(Bibek Chaudhuri, J.)