

30.08.2023
Serial no. 28
[G.S.D]

CRR 3233 of 2023

In the matter of : Mayank Rathi

... .. Petitioner

Mr. Partha Sarathi Das
Ms. Shanta Sarkar
Mr. Debojyoti De

... For the Petitioner

The petitioner is aggrieved by the order dated 15.7.2023 wherein the Learned Metropolitan Magistrate, 3rd Court, Calcutta, directed the present petitioner to pay the annual school fees of his son amounting to Rs.89,055/- for the current year within a period of 45 days from the date of this order.

The grievance of the petitioner is that he has been paying the amount of Rs.12,000/- towards the monetary relief, as claimed for, on behalf of the son.

Learned Advocate submits that the petitioner earns around Rs.26,000/- per month and it not possible for the petitioner to pay the sum of Rs.89,055/- as one time payment. If the petitioner is of the view that the sum of Rs.12,000/- is an excessive amount, then the same should be the subject-matter of challenge in the main case.

The Learned Magistrate while passing the order dated 15.7.2023 categorically recorded that the Appellate Court specifically directed the present petitioner to bear the entire expenditure of his son. If the said amount, which has been directed to be paid, is to be paid to the school once in a year, then, in that case, the petitioner is directed that at a single time payment, should be made if the amount is to be paid at different parts of the year, the amount may be segregated and accordingly, directions be passed to pay the same.

The Learned Court would direct the o.p./wife to present the manner in which the school fees are to be disbursed. If required, the Learned Metropolitan Magistrate, 3rd Court, Calcutta, while acting as a Court for execution of this order, would accordingly mould and modify the order.

With the above observations, CRR 3233 of 2023 is disposed of.

Pending application, if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court at Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)