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C.O. 2918 of 2022

**Sri Souvik Nath
Vs
Smt. Swatilekha Roy**

Mr. Arup Kuamr Das,
Mr. R. I. Sarder,

... For the petitioner.

Mr. Kushal Paul,
Mr. Saptarshi Dutt,

... For the opposite party.

The impugned order granting alimony pendente lite under Section 36 of the Special Marriage Act at the rate of Rs. 25,000/- per month for the minor child and Rs. 20,000/- per month to wife is under challenge in this case.

The prayer for alimony pendente lite admittedly has been granted in a suit for judicial separation filed by the wife, wherein previously there was an order granting alimony pendente lite at the rate of Rs. 15,000/- per month inclusive of both the wife and children, and such order was passed in September, 2016.

Subsequently, the wife filed an application proposing enhancement of quantum of alimony pendente lite in the year 2017, which has been disposed of by the impugned order making enhancement of the alimony pendente lite as mentioned hereinabove.

Mr. Arup Kuamr Das, learned advocate appearing for the petitioner/husband submits that the Court below has not appropriately gone into the exact earning capacity of the husband together with the medical expenses, he has to undertake for himself and his commitment towards his family members, apart from his wife and the child.

It is thus submitted by the petitioner that the quantum of alimony pendente lite has been inappropriately assessed, while making enhancement of the alimony pendente lite.

Per contra, Mr. Kushal Paul, learned advocate appearing for the opposite party disputes with the submission advanced by the learned advocate for the petitioner, replying to the effect that the Court below has considered all possible aspects including the present price hike and the expenses necessary for pursuing study in a Kolkata based reputed school, while assessing the quantum of alimony pendente lite.

It is thus submitted by Mr. Kushal Pal that the order impugned does not require any interference.

The sum and substance of the submission advanced by the learned advocate for the petitioner is that the quantum of alimony pendente lite cannot be repressive on the part of the petitioner/husband.

At this juncture, learned advocate for the petitioner proposes for reduction of the quantum of

alimony pendente lite in order to facilitate petitioner/husband to ensure compliance of the order passed by the Court below.

The reduction of amount, as proposed by the petitioner, in the perception of the Court, would facilitate the husband to ensure compliance of the alimony pendente lite making monthly deposit for the sustenance of his wife and child without any departure.

In that view of the matter, the submission so advanced by the learned advocate for the petitioner needs consideration.

A little reduction of the quantum of the alimony pendente lite would, however, put the husband in a much more comfortable financial position to make monthly payment towards alimony pendente lite without any departure.

The impugned order granting enhancement of alimony pendente lite for the child stands modified to Rs. 20,000/- per month and Rs. 20,000/- per month for the wife, with effect from the date, as already passed by the Court below.

The impugned order is thus modified to the extent mentioned hereinabvoe.

The other portion of the order will, however, remain unchanged.

With this observation and direction, the

revisional application stands disposed of.

This would not, however, prevent the petitioner/husband to ensure compliance of this order so that modest living for his wife and child may be ensured by discharging his obligation in the eye of law, without waiting for execution proceeding to come against him.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)