

11.10.2023
Serial no. 66
[G.S.D]

CRR 3670 of 2023

In the matter of : Mozibor Rahaman

... .. Petitioner

Mr. Sourav Chakraborty
Ms. Surasri Baidya

... for the petitioner

Ld. Advocate for the petitioner has challenged the order dated 23rd August, 2023 passed in connection with Misc. Case No. 184 of 2022 by the Id. JM, 1st Class, Kandi, Murshidabad.

I find from the impugned order that the Id. Magistrate has awarded a sum of Rs.12,000/- per month holding that the petitioner is a Headmaster of a primary school having salary of Rs.52,000/- per month.

Having regard to the prima facie facts considered by the Id. Magistrate while arriving at its finding regarding the quantum, I find no illegality in the said order.

However, Mr. Chakraborty, Id. advocate for the petitioner, contends that there is an issue regarding the illegality of the marriage as also the liability which the petitioner could not properly place before the trial court

when the application for interim maintenance was being considered.

If the petitioner prefers an application under Section 127 of the Cr.P.C. before the Id. JM, in that case, the Id. JM will consider the same and allow the petitioner to adduce his evidence to that effect while arriving at a fresh decision, if required.

However, for the present, the interim maintenance so awarded should be paid to the opposite party.

No interference is made by this court at this stage.

With the aforesaid observations, CRR 3670 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.)