

05.09.2023
Item no.55.
Court No.237.
S. De

CRR 3526 of 2017

In the matter of : Rohit Kumar Mullick @ Mallick.

.....Petitioner.

Mr. Soumyojit Das Mahapatra,
Ms. Diksha Ghosh,

...for the Petitioner.

Mr. U.A. Dewan.
Mr. A. Dewan,

...for the opposite party/wife.

This revisional application has been filed challenging the order passed by the learned Additional Sessions Judge, 1st Court, Sealdah dated September 7, 2017 in connection with Criminal Appeal No.13 of 2017 whereby the learned Judge allowed the interim maintenance of Rs. 4000/- per month to the opposite party/wife and Rs.2,200/- per month to the daughter of opposite party/wife. This revisional application has been filed, particularly, challenging the order of interim maintenance of Rs.4000/- granted in favour of the opposite party/wife.

Initially, learned Judicial Magistrate, 2nd Court, Sealdah passed an order in D.V. Act Case No.58 of 2016 allowing interim maintenance in favour of the daughter only to the tune of Rs.2,200/- per month and prayer for interim maintenance

towards opposite party/wife was refused by order dated March 9, 2017.

Being aggrieved and dissatisfied with the said order, the opposite party/wife has prayed an appeal before the Sessions Judge which was ultimately disposed of by the learned Additional Sessions Judge, 1st Court, Sealdah, South 24-Parganas and granted maintenance to the tune of Rs.4000/- in favour of opposite party/wife. Thereafter, the petitioner/husband preferred the instant revisional application challenging the order of maintenance granted in favour of the opposite party/wife by the learned Additional Sessions Judge.

By the order dated November 8, 2017, this Court directed the petitioner/husband to pay a sum of Rs.1000/- per month to the opposite party/wife and Rs.2,200/- to the minor daughter of the petitioner.

Heard both the learned advocates on behalf of the parties.

On scrutiny of the order dated September 7, 2017, passed by the learned Additional Sessions Judge, it comes to my view that the learned Judge ascertained the amount of Rs. 4000/- per month for the opposite party/wife after considering the materials on record. From the order impugned, I find nothing mentioned about any particular document. The learned Judge returned his finding directing the maintenance of Rs.4000/- per month to the opposite party/wife.

In this revisional application Salary Certificate has been filed on behalf of the petitioner/husband showing net amount of Rs.6,390/-.

Considering all the facts and circumstances, I do not find any justification for ascertaining the amount of interim maintenance by the learned Additional Sessions Judge, that too without perusing any document.

Considering all the facts and circumstances, the order dated September 7, 2017 passed by the learned Additional Sessions Judge, 1st Court, Sealdah, South 24-Parganas stands set aside with a direction upon the petitioner/husband to go on paying a sum of Rs.1000/- per month to his wife/opposite party as well as Rs.,2,200/- to his minor daughter till the disposal of the D.V. Act Case No.58 of 2016 pending before the learned Judicial Magistrate, 2nd Court, Sealdah. The opposite party/wife is at liberty to file application before the learned Magistrate for enhancement of the interim maintenance, if necessary.

Let a copy of this order be communicated to the learned Magistrate, 2nd Court, Sealdah with a direction to dispose of the matter within six months from the date of communication of the order.

With the aforesaid observation, the revisional application being CRR 3526 of 2017 stands disposed of.

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

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

(Bibhas Ranjan De, J.)