

Court No. 34

20.12.2023

(AD 28)

(S. Banerjee)

CRR 4858 of 2023

In re: Dibyendu Maity

... petitioner

Mr. Gautam Banerjee
Ms. Riya Dey

... for the petitioner

The petitioner has challenged the order dated 29.09.2023 passed by the learned Judicial Magistrate, 3rd Court, Arambagh in case no. 186 of 2022 (204 of 2022) wherein the learned Magistrate was pleased to allow the prayer for interim maintenance under Section 125 Cr.P.C. by awarding a sum of Rs. 4,000/- per month to the wife/opposite party. The foundation of such order was on the basis of a finding by the learned Magistrate that the husband is an engineer working at Pune.

Learned advocate appearing for the petitioner/husband submits that presently the husband is jobless/unemployed.

The same are changed circumstances which must be brought to the notice of the learned trial court in course of trial. If materials are produced by the husband/petitioner (before this court) in course of trial, the learned trial court would independently arrive at its finding in respect of the final maintenance to be awarded

without relying upon his earlier observation while granting interim maintenance.

With the above observation, CRR 4858 of 2023 is disposed of.

All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Tirthankar Ghosh, J.)