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05.04.2023
SB
Ct. No. 2

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

C.O. 20 of 2022

Sri Biman Das & Anr.
-versus-
Sri Rekha Rani Das

Mr. Jagriti Mishra
Mr. Debayan Goswami
Mr. Subham Gupta
Mr. Reshab Kumar
Mr. Raj Kumar Mitra
... for the petitioners

This is a hearing matter.

The order impugned in the revisional application dated, November 18, 2021 passed by the Sub-Divisional Magistrate, Siliguri in an application filed by the opposite party / mother in a maintenance proceeding being Misc. Petition Case No. 28 / 2020 **(Annexure P-6 at page 79 to the writ petition).**

Affidavits were directed to be exchanged by an order of co-ordinate Bench dated June 10, 2022, however, no affidavit-in-opposition was filed.

The opposite party is not represented.

While considering the revisional application the co-ordinate Bench on June 10, 2022 directed each of the petitioner to pay Rs.5,000/- each per month on account of maintenance towards the opposite party /

mother aggregating to Rs.10,000/- a month payable by the two petitioners.

Mr. Mishra, learned counsel appearing on behalf of petitioners submitted that, the petitioners are paying the mother in terms of the said order dated June 10, 2022 without any default.

Learned counsel appearing on behalf of the petitioners contended that two sons and two daughters are there. However, the opposite party / mother chose two sons and instituted the proceeding for maintenance. The petitioners claimed that maintenance should be paid in a proportional share to be divided equally amongst four children of the mother. He submitted that, the married daughters were not impleaded in the maintenance proceeding by the mother.

Considering the submissions made on behalf of the petitioners and considering the materials on record, this Court is of the view that, there is no necessity to keep this revisional application pending awaiting the representations of the opposite party. The petitioners shall carry on the direction of the co-ordinate Bench dated June 10, 2022 and shall go on paying the maintenance to the mother till the time the maintenance proceeding initiated by the mother being Misc. Petition Case No. 28 / 2020 pending before the

learned Sub-Divisional Magistrate, Siliguri is disposed of.

Learned Court of Sub-Divisional Magistrate, Siliguri shall take all possible endeavour to dispose of the said Misc. Petition Case No. 28 / 2020 as expeditiously as possible without granting any unnecessary adjournment to the parties within a period of one year from date, in accordance with law.

Petitioner shall be at liberty to urge whatever points they wish to urge in the said Misc. Petition Case No. 28 / 2020.

With the above observations, the revisional application being **C.O. 20 of 2022** stands disposed of without any order as to costs.

(ANIRUDDHA ROY, J.)