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03.04.2024
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C.R.R.105 of 2024

In Re: An application under Article 227 of the Constitution of India for
expedition hearing;

Shiba Murmu
Versus
State of West Bengal and another

Md. Younush Mondal.
...for the petitioner.

Mr. Soujanya Bandyopadhyay.
...for the opposite party no.2.

Affidavit of service so filed by the petitioner be kept with
the record.

The revisional application has been preferred challenging
the order dated 17th December, 2023 at the instance of the wife and
the two children who were awarded an interim maintenance
aggregating to Rs.8,000/- per month (Rs.3,000/- per month to the
wife and Rs.2,500/- per month each to the two minor child).

Admitted position as is reflected from the order is that
the husband/opposite party no.2 is a Government employee earning
Rs.41,422/- per month.

Learned advocate appearing for the petitioner submits
that the maintenance which has been awarded as an interim
measure is neither commensurate nor sufficient to maintain three
individuals during the pendency of the whole of the main
proceedings.

Learned advocate for the opposite party no.2 submits

that the husband is paying EMI of Rs.15,000/- per month as loan and another Rs.5,000/- per month towards the medical expenses of the mother of the husband.

Having considered the totality of the circumstances, I am of the view that the quantum which has been awarded by way of maintenance requires revision. Accordingly, I direct that the husband/opposite party no.2 would pay a sum of Rs.6,000/- per month to the wife and Rs.4,000/- per month each to the two minor child aggregating to a sum of Rs.14,000/- per month which will be effective from the month of January, 2024.

It has been submitted that the affidavit of assets and liabilities have not been exchanged between the parties, under such circumstances, learned Magistrate would direct the parties to file their respective affidavits and proceed with the trial of the main case. Needless to state that the aforesaid amount which has been decided by this Court is tentative in nature and it would be open for the husband/opposite party no.2 to adduce evidence in his favour and the learned trial court at the end of the trial will not deter from arriving at a fresh finding without being influenced by any observations made by this Court.

With the aforesaid observations, CRR 105 of 2024 is disposed of.

Pending connected application, if any, is consequently disposed of.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)