

02.02.2024
Serial no. 47
[G.S.D]

CRR 255 of 2024

In the matter of : Bholanath Mondal

... .. Petitioner

Mr. M. Mahmud
Mr. Asif Iktal Baidya

... for the petitioner

The petitioner submits that no maintenance was awarded by the order dated 22.11.2023 by the Id. ACJM, 2nd Court, Kalyani, Nadia in Misc. Case No. 161 of 2023.

Ld. advocate submits that without taking into account that the wife happens to be earning a substantial sum, ignored the same and proceeded to award such amount as maintenance.

However, the petitioner would be at liberty to adduce the evidence regarding the earning of the wife in order to justify his claim that the wife is not entitled to any maintenance in course of the trial.

The petitioner would also be at liberty to adduce evidence regarding his earning before the Id. trial court. The Id. trial court at the time of final disposal of the case will not stick to the initial order but would apply his discretion in the facts and circumstances of the case after the materials and/or evidences are placed and arrive at an independent

finding as to whether the interim maintenance so awarded to each of the individuals would be enhanced or reduced.

With the aforesaid observations, CRR 255 of 2024 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, 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.)