

3.
05-08-2024
(ct. no.550)
debajyoti

CRR 94 of 2017

In re : An application under Article 227 of the Constitution of India.

-And-

In the matter of : Anwara Bibi

.... Petitioner.

None appears for either of the parties even on second call.

It appears from the record that none of the parties is appearing for a considerable period of time. Administrative Notices were ordered to be issued upon the petitioner and the opposite parties, but no fruitful result yields.

For the sake of justice, I have taken up the instant revisional application for disposal since the same is pending from 2017.

In short, the present revisional application has been filed against the order dated 23-06-2014 passed by the learned Judicial Magistrate, 1st Court, Basirhat, North 24 Parganas in connection with Maintenance Case No.299 of 2012 on the ground that the quantum of maintenance is inadequate and not in accordance with the price index.

I have gone through the entire materials on record. It appears that the petitioner was married to the Opposite Party No.2 at least 45 years ago and she has been allowed to have a sum of Rs.600/- per month as her monthly maintenance allowance from the Opposite Party No.2. *Prima facie*, it appears that the quantum of sum allowed as monthly maintenance allowance is grossly inadequate and by a paltry sum of Rs.600/-, a human being cannot meet her both ends. So far as the observation of the learned Judicial Magistrate that the husband of the petitioner's daughter is liable under

the law to maintain the petitioner's daughter is concerned, I think that the said observation is correct and acceptable.

However, as the quantum of maintenance allowance at the rate of Rs.600/- per month is unconscionable, I am constrained to allow the instant revisional application by setting aside the impugned order dated 23-06-2014 passed by the learned Judicial Magistrate, 1st Court, Basirhat, North 24-Parganas. The Opposite Party No.2/husband is directed to pay a sum of Rs.1500/- per month to the petitioner-wife as maintenance allowance from the date of filing of the application under Section 125 of the Code of Criminal Procedure. It is further directed that the opposite party/husband shall pay each month's monthly maintenance allowance within seventh of each succeeding month and shall liquidate the arrear amount by ten installments without fail. In default, necessary coercive steps shall be taken against the opposite party/husband in accordance with law.

Department is directed to communicate this judgment and order to the learned Judicial Magistrate, 1st Court, Basirhat, North 24-Parganas forthwith, for the ends of justice.

CRR 94 of 2017 is, thus, disposed of.

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

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)