

09.02.2024  
SL No. 3  
Ct No. 5  
SB

C.R.R. 92 of 2018

In the matter of: Smt. Debjani Das (Ghosh)

None appears on behalf of the parties even of second call nor any accommodation is prayed for on their behalf. This revisional application along with a petition under Section 5 of Limitation Act was filed by the petitioner Debjani Das (Ghosh), the wife of O.P Rajib Ghosh on 9<sup>th</sup> January, 2018. Along with a petition being CRAN 117 of 2018 for condonation of delay of 37 days in preferring the revision.

This matter was listed first on 16<sup>th</sup> January, 2018 and a Co-ordinate Bench of this Court directed the petitioner to serve copy of this application CRAN 117 of 2018 along with annexure to opposite party No.1 with acknowledgement due and to learned P.P, within two weeks from the date but no steps was taken from his side. Now this matter regularly appearing in the list since 5<sup>th</sup> June, 2023. Several directions were given to the petitioner, despite that he did not bothered to appear before this Court in compliance of the direction. Even none appear on the last date. The parties were directed to ensure appearance before this Court on the adjourned date i.e. today otherwise necessary order will be passed on the basis of materials available on record.

Hence this matter is taken up for passing necessary order.

Petitioner and O.P no.1 are husband and wife. Their marriage was solemnized on 22.11.2010 and a female child was born out the said wedlock. O.P inflicted to physical and mental torture upon her and he driven her out from matrimonial house on 11<sup>th</sup> August, 2013.

Petitioner has no source of income and she stays with her parents. O.P 1 refused to maintain her and minor child. So she prayed for interim maintenance. She filed a petition on 10.02.2017 for interim maintenance from O.P no.1. In her petition she stated that petitioner is able to earn Rs.25,000/- per month to Rs.30,000/- per month from his job of a Medical Representative and from landed properties but O.P no.1 replied that he could not able to earn more than Rs.7,500/- per month from his employment in private firm. Considering the facts, learned ACJM directed O.P 1 to pay interim maintenance allowance of Rs.2,000/- per month and Rs.2,500/- per month to her minor daughter. By way of this revision petitioner prays for modification in the order of interim maintenance to enhanced to the tune of Rs. 10,000/- to Rs.12,000/- but in absence of any document in respect of monthly income of O.P no.2 her claim is not entertainable. Present status of this case is also not available on record. Non appearance of petitioner shows that she is not interested in this case. No steps have been taken even in the condonation of delay.

Affidavit of service has also not been submitted. Therefore, I do not find any inconsistency in the order interference of this Court is required.

Accordingly, the revisional application is disposed of along with all connected applications.

The interim order, if any, stands vacated.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon completion of requisite formalities.

(Uday Kumar, J.)

