

29.11.2024
rc/ct.no.34
Item No.167

CRR No. 722 of 2024

In the matter of : Manu Saha Vs. Biswarup Saha & Ors.

Mr. Arindam Chattopadhyay
Mrs. Lipika Chatterjee
Mr. Soumik Dey
Ms. Tapati Saha ...for the Petitioner

Affidavit of service filed by the petitioner is taken on record.

None appears for the opposite party despite service.

Heard learned counsel for the petitioner.

The petitioner was awarded maintenance under Section 125 of the Code of Criminal Procedure by a judgment delivered on March 08, 2021 by the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad in M.R.Case No. 450 of 2017 to the tune of Rs.7000/- per month from the date of filing of the case, i.e., September 21, 2019. The opposite party assailed the said judgment in a criminal revision being no. 32 of 2021 before the learned Additional Sessions Judge, Fast Track 1st Court, Jangipur, Murshidabad. By a judgment delivered on January 05, 2024 the learned revisional court modified the order of the learned Magistrate and directed payment of maintenance from the date of the order instead of date of the application. The petitioner is aggrieved by the said order.

Learned counsel for the petitioner has placed reliance on the authority in **Rajnish** Vs. **Neha & Anr.** reported in **(2021)2 Supreme Court Cases, 324** in support of his contention.

It is no longer res integra that maintenance in all cases should be awarded from the date of filing of the application for maintenance.

In view of the law laid down by the Hon'ble Supreme Court in this regard, the judgment dated January 05, 2024 passed by the learned Additional Sessions Judge, Fast Track 1st Court, Jangipur, Murshidabad in Criminal Revision No. 32 of 2021 be set aside/quashed.

The opposite party is directed to pay maintenance to the petitioner in terms of the judgment delivered by the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad on March 08, 2021 in M.R.Case No. 450 of 2017.

CRR No. 722 of 2024 is disposed of accordingly.

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

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

(Suvra Ghosh,J)