

December 12, 2024
AD 39
Ct. 5
SG

CO 1239 of 2024

Binoy Kumar Mandawewala
vs.
Subha Rungta

Mr. Ayan Kumar Boral
Mr. Keshav Kumar Daruka
... for the petitioner

1. Challenging the order No.15 dated 12.05.2023 passed by the learned Additional District Judge, 2nd Court at Serampore, Hooghly allowing an application under Section 24 of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'said Act'), the instant revisional application has been filed.
2. Although the wife had claimed alimony pendente lite @ Rs.20,000/- and the litigation cost of Rs.50,000/- per month from the husband, the learned Judge, upon ascertaining the monthly income of the husband to be Rs. 32,000/- and noting the monthly expenses to be Rs.25,000/, directed the husband/petitioner to pay Rs.7,000/- per month to the wife towards maintenance pendente lite from the date of filing of the application under Section 24 of the said Act till disposal of the suit. The husband has also been directed to pay Rs.10,000/- towards litigation expenses. The arrear alimony and litigation expenses has been directed to be paid by the petitioner within two months from the date of passing the order.

3. Although the present revisional application has been filed on 4th April 2024, the learned Advocate representing the petitioner would submit that apart from making payment of Rs.7,000/-, no other payments have been made.
4. Having regard to the same ordinarily no interference is called for, however since the application has remained pending, I proceed to decide the same on merits.
5. In any event, even on merits it transpire from the order impugned that the aforesaid decision has been taken by the learned Additional District Judge, 2nd Court at Serampore, Hooghly by considering the affidavit of assets, income and expenditure of the parties in terms of the judgment delivered by the Hon'ble Apex Court in the case of *Rajnesh vs. Neha*, reported at (2021) 2 SCC 324. The order appears to be well reasoned order. The learned Judge has also noted in his order that the petitioner (wife) is entitled to maintenance for maintaining the same standard of living that the opposite party (husband) enjoys. The learned Judge has also taken note of the fact that the petitioner has a dependent mother.
6. Having regard thereto, I am not inclined to interfere with the order of the trial court. No procedural irregularity or jurisdictional error could be identified by the petitioner.
7. Accordingly, the revisional application is dismissed.

8. There shall be no order as to costs.
9. Urgent certified copy of this order, if applied for, be made available to the parties upon compliance of requisite formalities.

(Raja Basu Chowdhury, J.)