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13.05.2024
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C.R.R.1576 of 2023

Partha Sikdar
Versus
State of West Bengal and another

With

C.R.R.1673 of 2023

Smt. Oindrilla Sikdar
Versus
State of West Bengal and another

Mr. Shibaji Kumar Das.
...for the petitioner in CRR 1576 of 2023
and the opposite party No.2 in CRR 1673 of 2023.

Mr. Anupam Hait.
...for the petitioner in CRR 1673 of 2023 and
the opposite party no.2 in CRR 1576 of 2023.

The present revisional application being CRR 1576 of 2023 has been preferred challenging the judgment dated 20th April, 2023 passed by the learned Additional Sessions Judge, Fast Track Court, 6th Court, Alipore, 24 Parganas (South) in Criminal Appeal No.266 of 2018 in an appeal under Section 29 of the PWDV Act.

The grievance of the present petitioner is that the application under Section 19 of the PWDV Act was not pressed by the wife before the learned Magistrate and the learned appellate court without such prayer being available exceeded its authority and passed the direction modifying the order dated 16.11.2018 passed by the learned Judicial Magistrate, 5th Court, Alipore in connection with C. Case No.8542 of 2010, thereby directing to

accommodate the wife in the shared household and in case of failure, to pay Rs.10,000/- per month on account of residential charges to the wife and the same is in addition to the monetary relief of Rs.10,000/- per month being granted under the provisions of Section 12 of the PWDV Act.

Having considered the earlier circumstances and the fact that the divorce case is pending between the parties and having regard to the fact that the parties are separated for the last 10 years, I direct the petitioner to pay a sum of Rs.5,000/- per month on and from 20th April, 2023 as the amount for alternate accommodation in addition to the monetary relief of Rs.10,000/- per month. So far as the arrears are concerned towards the alternate accommodation, the same be cleared by three equal monthly installments.

Accordingly, the order passed by the learned Additional Sessions Judge, Fast Track Court, 6th Court, Alipore, 24 Parganas (South) in Criminal Appeal No.266 of 2018 arising out of C. Case No.8542 of 2010 is modified to the limited extent.

With the aforesaid observations, CRR 1576 of 2023 is disposed of.

Pending connected applications, if any, are consequently disposed of.

So far as CRR 1673 of 2023 is concerned, Mr. Anupam Hait, learned advocate appearing for the wife/petitioner do not intend to press the revisional application.

Accordingly, CRR 1673 of 2023 is dismissed as not

pressed.

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

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

(Tirthankar Ghosh, J.)