

24.01.2024

gd/ssd
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CRR 1684 of 2023

In the matter of: **Paramita Gupta.**

....Petitioner.

Mr. Anindya Halder,
Mr. Zubair Ahmed
..for the Petitioner.

Affidavit of service so filed be kept with the record.

In spite of service none appears on behalf of the opposite parties.

I have perused the order dated 18.7.2022 wherein the learned trial court was pleased to allow the petition for interim maintenance thereby awarding a sum of Rs.1,500/- per month maintenance for the petitioner/wife and Rs.3,000/- each for the minor children aggregating to a sum of Rs.7,500/-. The order itself reflects that the opposite party no.2 has income of Rs.1,20,000/- per month and photocopy of the pay-in slip for June, 2019 which was placed before the learned Magistrate reflected that the net pay of the husband is Rs.63,931/-. The learned Magistrate was also pleased to record in the impugned order that both the minor daughters are suffering from cancer.

Having considered the parameters which were taken into consideration by the learned Magistrate, I am of the view that the same were not in consonance with the expenditure particularly the medical expenditure to both the minor

daughters concerned. In case the petitioner produces the original documents relating to treatment of both the minor daughters before the learned Magistrate by way of an application under Section 127 of the code of Criminal Procedure and the learned Magistrate on an appreciation of the same is satisfied, in that case for each of the minor daughters for their treatment, the learned Magistrate by way of an interim measure would award a sum of Rs.12,500/- each aggregating to a sum of Rs.25,000/- for the two minor daughters in addition to the sum of Rs.1,500/- to be paid to the petitioner/wife.

With the aforesaid observations, CRR 1684 of 2023 is disposed of.

The learned Magistrate on an application being made under Section 127 of the code of Criminal Procedure referred to above would dispose of the same within a period of 60 days from date of filing of the application after issuing notice to the affected party.

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

(TIRTHANKAR GHOSH, J.)