

19.03.2024

Sl. No.: 45

Court No.30

BM

CRR 1966 of 2022

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IA No.: CRAN 2 of 2024

Tushar Kanti Ghosh

Vs.

Smt. Priyanka Ghosh & Anr.

Mr. Moyukh Mukherjee

Mr. Abhijit Singh

... for the petitioner

Ms. Puspita Saha

... for the State

Mr. Dipanjan Dutt

Mr. souma Subhra Ray

... for the opposite party no.2

The present revisional application preferred against a judgement and order dated 22.03.2022 passed by the learned Additional Session & District Judge, 2nd Court, Barrackpore being Criminal Revision No.130/2018 arising out of an ad-interim order dated 07.03.2018 passed by the learned Judicial Magistrate, 5th Court, Barrackpore, 24 Parganas(North) in Misc. Case No.235/2016 under Section 125 of the Code of Criminal Procedure.

It appears that the learned appellate court vide the order under revision has directed a sum of Rs.10,000/- each as **interim maintenance** to the wife and their minor child.

Being aggrieved the petitioner husband has approached this court.

Learned counsel for the wife petitioner has placed an attested copy of the certificate showing prima facie salary of the petitioner/husband to be around Rs.66,000/-.

Accordingly, this court is of the view that the order under revision requires no interference at this stage considering the fact

that the amount of maintenance is prima facie in parity with the salary of the husband. But considering the fact that the revision is against an interim order of maintenance and the original application is still pending before the learned trial court, the parties are directed to file their affidavit of assets and liabilities before the trial court as per guidelines of the Supreme Court in **Rajneesh vs. Neha (2021) 2 SCC 324** and the trial court shall dispose of the application finally as per the guidelines of the Supreme Court in **Rajneesh vs. Neha(Supra)** within a period of six months from the date of this order.

It is further directed that the trial court shall not influenced by the order of this court regarding the quantum of maintenance as noted by the court and come to an independent finding while disposing of the application in accordance with law.

The order under revision is requires no interference at this stage.

The revisional application is accordingly disposed of.

Copy of this order be sent to the learned Trial Court forthwith for necessary compliance.

Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)