

15.05.2024
Serial no.37 & 38
Aloke
Ct. No. 30

CRR 2225 of 2022

**Hasna Banu Bibi
vs.
Sundar Ali Sk.**

With

CRR 2545 of 2022

**Sundar Ali Sk @ Sundar Ali Sheikh
vs.
The State of West Bengal & Anr.**

Mr. Ayan Bhattacharjee
Ms. Ritu Das
Mr. Suman Majumder
... for the petitioner in CRR 2225 of 2022.

Mr. Sourav Chatterjee
Mr. Soumya Nag
... for the O.P. in CRR 2225 of 2022.

Mr. Sourav Chatterjee
Mr. Soumya Nag
... for the petitioner in CRR 2545 of 2022.

Mr. Ayan Bhattacharjee
Ms. Ritu Das
Mr. Suman Majumder
... for the O.P. No. 2 in CRR 2545 of 2022.

1. The present revisional application has been preferred by the husband/petitioner against a judgment and order dated 21.05.2022 passed by the learned Additional Chief Judicial Magistrate, Kalna, Purba Bardhaman, in Misc. Case No. 127 of 2017 (CIS: 198/17), pending before the learned Additional Chief Judicial Magistrate, Kalna, Purba

Bardhaman, thereby allowing an application under Section 127 of Cr.P.C. filed by the opposite party no. 2 and directing the petitioner to pay an enhanced amount to the tune of Rs.8,000/- per month from Rs.2,000/- per month to opposite party no. 2 from the date of filing i.e. 26.07.2017 and also directing the petitioner to pay the accrued arrears within six months.

2. The parties in the present case were married in the year 1979. In the year 1981 the husband allegedly abducted and married a cousin sister of the wife who was aged about 11 years 10 months old. The husband was initially an employee of 33, Ciro's Engineering Signal Regiment C/o 99 Army Post Office. Subsequently, in the year 1985 the husband has got employed in the department of Consumer Affairs, Government of West Bengal. The wife subsequently came to know that the husband had given her three 'talakh' unilaterally. Subsequently, the petitioner filed an application for maintenance and finally after a long period the order under revision has been passed granting a sum of Rs.8,000/- per month from the date of filing of the case which prima facie is in compliance with the guidelines of the Hon'ble Supreme Court in ***Rajnesh vs. Neha & Anr., (2021) 2 SCC 324.***
3. It is on record that the husband has retired from his service in the year 2016 and at present receives a pension from the Government. On the said contention the learned counsel

representing the husband submits that as he has a family to maintain, it is difficult for him, if the said order granting Rs.8,000/- per month is allowed to remain and he, thus, prays for setting aside of the said order.

4. On the other hand, the learned counsel for the wife submits that an amount of Rs.8,000/- is extremely low for the wife to sustain herself at this age when she also requires medical treatment.
5. It is the further contention of the learned counsel for the husband that the wife has several landed properties and her son is also employed and that the said fact is evident from the affidavit of assets filed.
6. On the other hand, the learned counsel for the wife submits that the husband has sufficient income to provide an enhanced amount of maintenance in favour of the wife herein who is an old, aged, and ailing person.
7. The wife has led a long lonely life since 1981 (more than 40 years) bringing up her son alone, with her limited means, while the husband having a government job raised another family of his own.
8. **Considering the submissions of the learned counsels for both the parties and the materials on record including the affidavit of assets filed, the order under revision is modified to the extent that the petitioner/husband shall pay a sum of Rs.10,000/- per month to the wife from June, 2024 onwards. On consent of the learned**

counsel for the wife, the said amount of enhanced maintenance of Rs.2,000/- in addition to Rs.8,000/- shall be applicable only from the month of June, 2024.

- 9. The revisional applications are accordingly disposed of.**
- 10.** All connected applications, if any, stand disposed of.
- 11.** Interim order, if any, stands vacated.
- 12.** Copy of this order be sent to the learned Trial Court for necessary compliance.
- 13.** Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)