

28.03.2024
Serial no.13
Aloke
Ct. No. 30

CRR 2572 of 2022

**Smt. Indu Adhikary
Vs.
The State of West Bengal & Ors.**

Mr. Sabir Ahmed
Mr. Kalyan Chatterjee
... for the petitioner

Ms. Suranjan Mandal
... for the private opposite parties

The present revisional application has been preferred against the judgment and order dated 05.05.2022 passed by the learned Additional Sessions Judge, Baruipur, South 24 Parganas, in Criminal Appeal No. 12 of 2019 thereby rejecting the prayer of modifying the order (interim) dated 20.09.2019 passed by the learned Judicial Magistrate, Bariupur, in connection with Misc. Case No. 44 of 2018.

The learned counsel for the opposite party is present.

Heard the learned counsel for both the parties.

The grievance of the petitioner/wife is that the Appellate Court has been pleased to affirm the interim order granting the maintenance to the petitioner and her two daughters and has directed early disposal of the said case.

It is submitted by the learned counsel for the husband/opposite party no. 2 is that he is a primary school teacher and earns Rs.48,000/- per month. The learned Magistrate was pleased to grant interim relief to the extent of Rs.1,500/- per month for the wife and Rs.2,500/- per month for the elder daughter and Rs.2,000/- per month for the younger

daughter, total Rs.6,000/- per month. During hearing it is admitted that the wife is a contractual employee with the District Legal Services Authority.

It is also on record and also noted by the learned Magistrate in his order granting interim maintenance that the petitioner/wife and her two daughters are residing in a rented accommodation but in spite of such fact, no interim order as to residence has been granted. A copy of the tenancy agreement is on record showing prima facie, that a sum of Rs.4,500/- per month is paid as rent by the petitioner for her rented accommodation, where she resides with her children.

Considering the materials on record and the fact that the order under revision is an order of interim maintenance and is pending final disposal, the order dated 20.09.202019 passed by the learned Magistrate, Baruiupur in Misc Case No. 44 of 2018 is modified to the extent that in addition to the amount of interim maintenance as granted by the learned Magistrate, the opposite party no. 2/husband shall pay an amount of Rs.4,500/- towards rent for alternative rented accommodation being used by the petitioner and her daughters as residence until further orders.

The order under revision and the order of the learned Magistrate is modified to the said extent.

The learned Magistrate is directed to dispose of the Misc. Case finally following the guidelines of the Hon'ble Supreme Court in ***Rajnesh vs. Neha & Anr., (2021) 2 SCC 324.***

The Trial Court shall attempt to dispose of the said Misc. Case within a period of six months from date of this order under the guidelines including the requirement of filing affidavit-of-

assets and liabilities by both the parties, without being influenced by the observations of this Court.

The revisional application is accordingly disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

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.)