

277
04-07-2024
Ct. No.34
b.das

CRR No. 2668 of 2024

In the matter of : Ranadip Dutta

..... petitioner.

Mr. Ayan Bhattacharya

Mr. Kunal Ganguly

Mr. Kaustav Banerjee

...for the petitioner.

Heard learned counsel for the petitioner.

The petitioner being the husband of the opposite party is aggrieved by the order passed by the learned Sessions Judge, Alipore, South 24 Parganas on 14th May, 2024 directing him to pay interim maintenance to the tune of Rs.20,000/- for the wife and Rs.35,000/- for the minor daughter.

The opposite party filed an application under Section 28 of the Special Marriage Act, 1954 before the learned District Judge, Alipore which was dismissed by an order passed on 23rd June, 2023 since the opposite party did not take steps therein. Subsequently, the petitioner filed an application under Section 27(1)(d) of the Special Marriage Act, 1954 for dissolution of marriage between the parties, which is pending.

The opposite party filed an application under Section 12 of the Protection of Women from Domestic Violence Act,

2005 along with an application under Section 23 of the Act seeking interim maintenance.

The applications were transferred to the learned 9th Judicial Magistrate at Alipore for fixing 30th March, 2024 for S/R, A/D & Appearance.

The learned Magistrate by an order passed on 30th March, 2024, considered the applications filed by the opposite party under Section 23 (2) of the Act of 2005 and granted maintenance to the tune of Rs.56,000/- for the wife and Rs.35,000/- for the minor daughter.

The said order was carried in appeal by this petitioner before the learned Sessions Judge-in-charge, Alipore and by an order passed on 14th May, 2024, the learned Sessions Judge directed stay of the order of the learned Judicial Magistrate subject to payment of Rs.20,000/- per month by the petitioner to the opposite party and Rs.35,000/- per month for the minor daughter.

It is submitted on behalf of the petitioner that the petitioner shall continue to pay Rs.35,000/- for the minor daughter as directed by the learned Court and has sought stay of interim relief in favour of the opposite party. The monetary relief was granted in favour of the opposite party as an interim measure without taking into consideration the financial status of the petitioner.

Upon consideration of the material on record this Court is inclined to hold that the learned Sessions Judge,

Alipore be directed to dispose of the criminal appeal as expeditiously as possible, preferably within two months from the appearance of the opposite party/wife therein, in accordance with law. The petitioner shall continue to pay the interim maintenance as directed in the order impugned till disposal of the appeal.

The revisional application being CRR 2668 of 2024 is disposed of.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)