

CRR 2467 of 2019

**Dr. Prabir Kumar Palit
Vs.
Dishari Palit & Anr.**

For the petitioner : Mr. Purbanshu Chandra Mitra,
Ms. Piyali Mitra,
Ms. Mahaswite Mukherjee,
Ms. Kantika Gay,
Ms. Madhumita Roy,
Ms. Indira Malik.

For the opposite party/wife : Mr. Swapan Kr. Mallick,
Ms. Sudeshna Das.

For the State : None.

1. Heard the learned counsel for both the parties in full.
2. Perused the materials on record.
3. The present revisional application has been preferred by the petitioner/father against the order dated July 18, 2019 passed by the learned Judicial Magistrate, 8th Court, Alipore, in Misc. Case No. 70 of 2017 **under Section 127 of the Code of Criminal Procedure.**
4. It is submitted by the learned counsel for the petitioner that the present order under revision was passed in the year 2019 and, as such, the judgment and the guidelines of the Hon'ble Supreme Court in ***Rajnish vs. Neha & Anr., (2021) 2 SCC 324,*** could not be followed by the learned Trial Court and, as such, the petitioner has suffered prejudice.

5. On hearing the learned counsels for both the sides and considering the materials on record, the parties to the present proceeding are at liberty to approach the learned Trial Court under the appropriate provision of Cr.P.C. for modification of the final order of maintenance as and when such application is preferred before the learned Magistrate. The learned Magistrate shall consider the same in view of the guidelines of the Hon'ble Supreme Court in ***Rajnish vs. Neha & Anr., (Supra)*** by permitting the parties to file affidavit-of-assets and liabilities and also dispose of the matter as per the said guidelines.
6. Accordingly, this Court finds no interference with the order under revision.
7. **The present revisional application being CRR 2467 of 2019 is, thus, disposed of.**
8. All connected Applications, if any, stands disposed of.
9. Interim order, if any, stands vacated.
10. Copy of this order be sent to the learned Trial Court for necessary compliance.
11. Urgent certified website copy of this order, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)