

22.04.2024

Sl. No.: 18

Court No.30
BM

CRR 2545 of 2019

Delu Sk.

Vs.

Mahjera Bibi

Mr. Navanil De
Ms. Ayantika Roy
Mr. Srinjan Ghosh

... for the petitioner

Affidavit of service filed shows that the opposite party has been duly served but in spite of being duly served the opposite party is not being represented.

The present revisional application has been preferred against the judgement and order dated June 25, 2019 passed by the learned Additional Sessions Judge, Kandi, in Criminal Revision No.23 of 2017 thereby affirming the judgement and order dated March 24, 2017 passed by the learned Additional Chief Judicial Magistrate at Kandi, Murshidabad in connection with Misc. Case No.31 of 2015 and (TR No.513 of 2015) under Section 125 of the Code of Criminal Procedure thereby directing the petitioner to pay a sum of Rs.6,000/- to the wife/opposite party as monthly maintenance.

By the order under challenge, it appears that the trial court directed the petitioner herein to pay a monthly maintenance of Rs.6,000/- per month.

The appellate court dismissed the revision against the said order and affirmed the order of the learned Magistrate.

The contention before the trial court was that the petitioner works as a maid servant and has sufficient income to maintain herself.

It is further seen that the parties **were married 28 years ago** but she left her husband when her son was aged about 12 years being tortured by her husband who submitted that he is a day labourer.

The application under Section 125 of the Cr.P.C was filed in the year 2015 and **at present the petitioner is aged about 65 years.**

The opposite party has not appeared to contest the case.

Considering all these factors and materials on record as discussed, the amount of maintenance as granted by the trial court and affirmed by the appellate court, is modified to the extent that the amount of maintenance to be paid by the petitioner to the opposite party shall be a sum of Rs.3,000/- per month.

The revisional application being CRR 2545 of 2019 stands disposed of.

All applications connected thereto stand disposed of.

Interim order, if any, stands vacated.

Let a copy of the order be sent to the learned trial court for compliance.

Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

(Shampa Dutt (Paul), J.)