

12.08.2024
Item No.11, DL
Ct.19
A.J.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 2816 of 2024

**Puja Kedia Nee Puja Bajaj
-Vs-
Amit Kedia**

Mr. Ananda Gopal Mukherjee.
...for the petitioner.

Mr. Amit Kedia.
...Petitioner (in person)
(via Video Conference).

The instant application under Article 227 of the Constitution of India is directed against Order No.44 dated June 18, 2024 passed by the 10th Court of the learned Additional District Judge at Alipore, District : 24-Parganas (South) in Misc. Case No. 307 of 2021 arising out of Matrimonial Suit No. 3094 of 2018.

The petitioner is the wife of the opposite party. She has applied for dissolution of the marriage between the parties by a decree of divorce.

The opposite party in the said suit had filed an application under Section 24 of the Hindu Marriage Act, 1955 for alimony of the only son of the parties which has been registered as the aforementioned misc. case.

The son of the parties during the pendency of the said misc. has become major.

The learned Trial Judge by the order impugned has disposed of the said misc. case by directing the

petitioner to pay a sum of Rs.20,000/- per month on account of maintenance of the said son.

The son is still studying as such requires financial support from his earning parents.

The law is well settled that father and earning mother both bound to contribute to the maintenance of their children in proportion of their income. (See. ***Padmja Sharma –Vs- Ratan Lal Sharma*** reported in **(2000) 4 SCC 266**).

The order impugned has not fixed the liability of the father to share the maintenance of the son as such the application requires a fresh consideration and to facilitate the said exercise, the order impugned is set aside.

The learned Trial Judge is requested to decide the said application afresh in accordance with law. The parties are obliged to disclose their income and documents in support thereof for the effective adjudication of the said application.

C.O. 2816 of 2024 is disposed of with the above observations without any order as to costs.

Urgent Photostat certified copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)