

30.04.2024.

p.b.
Ct. No.30
SL. No.23.

CRR 3143 of 2022

Smt. Banasree Halder
Vs.
Sri Utpal Halder

Mr. Sanjoy Kumar Sarkar,
Ms. Sayani Sarkar.
.....for the petitioner.

Mr. Bibaswan Bhattacharya,
.....for the O.P.

The present revisional application is taken up for hearing in presence of the learned counsel for both the parties.

The present revision has been preferred against a judgment and order dated 15th December, 2018 passed by the learned Judicial Magistrate, 2nd Court, Diamond Harbour in M. Case No.260 of 2014 initiated under Section 125 of the Code of Criminal Procedure, 1973 by which the learned Sessions Judge was pleased to remand the matter to the learned Magistrate to hear the Misc. Case afresh following the guidelines of the Hon'ble Supreme Court in the case of **Rajnesh vs. Neha** reported in **(2021) 2 SCC 324**.

The amount of maintenance was reduced from Rs.5,000/- to a total sum of Rs.4,500/- in the interim.

This conduct of the learned Sessions Judge is not clear before this Court, as it was before the Court that the husband/opposite party herein is admittedly a Constable with the West Bengal Police.

Copies of the pay slip has been annexed to the revisional application, wherein it appears that in the month of July, 2022, the opposite party had a net pay of Rs.43,470/-.

Considering all these facts, this Court finds that the said order of the learned Magistrate requires no interference. Considering the pay slip submitted before this Court, the amount of maintenance on interim basis till the disposal of the Misc. case before the learned Magistrate is enhanced to **a sum of Rs.5,000/- each for the mother and the son**, who admittedly studies at Class-X. The total for a sum of Rs.10,000/- is to be paid positively by the tenth of every month.

The order under revision is accordingly modified. The learned Magistrate is to make all efforts to dispose of the Misc. Case as expeditiously.

The revisional application accordingly stands disposed of.

As it appears that the petitioner has also prayed for litigation costs, the petitioner is to approach the respective District Legal Services Authorities with an

application for engaging a Competent Legal Aid Counsel to conduct her case as provided under the law.

(Shampa Dutt (Paul), J.)