

25.09.2024
Item No. 3
SG

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

C.R.R. No. 3298 of 2024

In the matter of : Pratap Kangsa Banik

.....petitioner

Mr. Aniket Agonwala
Ms. Alotriya Mukherjee

..... for the petitioner

Mr. Tanmay Basu

..... for the Opposite Party No.2

1. It is submitted on behalf of the petitioner he has been directed to pay maintenance per month to opposite party no. 2-wife at the rate of 20,000/- per month from the date of filing of the application. Petitioner is an assistant engineer of WBSEDCL. He has a monthly income of not less than Rs.75,000/-. Quantum of maintenance fixed is Rs.20,000/- is commensurate to his income as well as the needs of the opposite party no. 2.
2. Marriage between the parties is admitted and the liability of the petitioner to maintain his wife is not seriously questioned.
3. Only issue on which the petitioner challenges the order is that he has been paying interim maintenance which was fixed at Rs.10,000/- per month. In fact, he was paying Rs.15,000/- per month as per alimony *pendente lite* fixed by this Court in C.O. No. 1735 of 2019. Assessment of quantum of maintenance at the interlocutory stage is on an *ad hoc* basis and even if the

same is determined by the High Court it would not circumscribe the jurisdiction of the Magistrate to fix final maintenance at a higher rate from the date of filing of the application.

4. No doubt petitioner is entitled to an adjustment with regard to the quantum of interim maintenance already paid.
5. With these observations, CRR 3298 of 2024 is disposed of.

(Joymalya Bagchi, J.)