

15.04.2024
Sl. No.: 3 & 4
Court No.30
BM

CRR 4665 of 2022

Chandreyi Biswas (Dutta)
Vs.
Mrinmoy Biswas & Anr.
With

CRR 4666 of 2022

Chandreyi Biswas (Dutta)
Vs.
Mrinmoy Biswas & Ors.

Mr. Souvik Mitter
Mr. Debanshu Ghorai

... for the petitioner

The present revisional application has been preferred against an order dated 29.09.2022 passed by the learned Additional Sessions Judge, 7th Court, Paschim Medinipur allowing the criminal appeal being No.30/2022 in part on contest against the opposite party no.1 and ex-parte against the opposite party no.2 and setting aside the ex-parte order dated 13.12.2021(though the date of the order is 22.03.2022) as regards the quantum of monetary relief passed by the learned Judicial Magistrate, 6th Court, Sadar, Paschim Medinipurin Misc. Case No.49/2022 and send the case back for reconsideration on the basis of evidence.

The said judgement under revision was passed in an appeal against an order passed by the learned Judicial Magistrate, 6th Court, Sadar, Paschim Medinipur, wherein the learned Magistrate had directed a sum of Rs.15,000/- per month to be paid to the aggrieved wife in the proceeding under Domestic Violence Act, while remanding the matter to the learned Magistrate by setting aside the ex-parte order of the learned Magistrate.

Being aggrieved, the present revision has been preferred by the wife.

It appears that the said order of maintenance was set aside by the appellate court on the ground that the petitioner/wife herein is a Government empanelled lawyer and earns a sum of Rs.50,000/- per month.

It was further contended by the husband before the appellate court that the wife has a flat and that her mother is also a practicing Advocate and a Marriage Register.

Considering the materials on record this court finds no reason to interfere with the order under revision.

Accordingly, the revision is disposed of with the direction upon the learned Magistrate to dispose of the proceeding remanded to it on hearing both sides, in accordance with law, by following guidelines of the Hon'ble Supreme Court in **Rajneesh vs. Neha (2021) 2 SCC 324** expeditiously.

Both the revisional applications are accordingly disposed of.

All applications, if any, 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.)**