27.02.2024
Ct. No. 19
Sl. No.10
Cp

C.O. No. 4281 of 2023

Partha Sarathi Mondal
Vs.
Smt. Rama Debnath

Mr. Amitabha Ghosh
Ms. Arpita Dhar

.....for the petitioner.

By the order dated July 19, 2023, passed by the learned Additional District Judge, 3rd Court, Alipore in Misc. Case No. 85 of 2022 arising out of Matrimonial Suit No. 125 of 2018, maintenance pendente lite of Rs.20,000/- per month was directed to be paid to the wife from the date of filing of the application till the disposal of the suit. Litigation cost of Rs.5000/- was also directed to be paid.

Mr. Ghosh, learned advocate appearing on behalf of the husband, submits that the wife is an income tax assessee. That money had been given as loan to the wife amounting to a crore. That the learned court failed to take into consideration such facts. Bank statements of the wife had also been filed before the learned court below.

The learned court came to the finding that the wife did not have any income of her own.

From the documents annexed, it appears that income tax returns for the Assessment Years 2014-15, 2015-16 and 2019-20 had been filed. In the affidavit of assets, the husband himself stated that at present the wife did not have any income of her own. It is not the case of the husband that the wife is a pensioner. Only because the wife who was married till 2017 had some funds or there was money in the joint names of the parties, the same would not be relevant for consideration as to whether the wife needs some money every month for her sustenance. The learned court found that the husband earned Rs.96,000/- as pension and withdrew Rs.70,000/- from the bank. The wife, on the other hand, earned interest of Rs.2,775/- per month from the Senior Citizen Savings Scheme. Although the petitioner stated that he had given money to the wife to invest in the Senior Citizen Savings Scheme, the said fact was not taken into consideration by the court as no documents in support of such claim had been proved. The court found that Rs.20000/- per month would be a reasonable maintenance for the wife. From the affidavit of assets and liabilities it does not appear that the petitioner has any other dependents.

Under such circumstances, on the finding of facts which are available from the order impugned, this court does not find any reason to interfere with the quantum of maintenance. Maintenance pendente lite is awarded upon consideration of certain factors:-

a) Income of the parties.

b) Status of the parties.

c) Expected expenditure of the parties.

d) Liabilities of the parties.

Admittedly, both parties are senior citizens. The expenses which the wife may incur for her livelihood would be approximately Rs.20,000/- considering the food, clothing, shelter and medical expenses etc. She is also entitled to enjoy the same status as her husband.

The affidavits of assets do not suggest that the wife has any income at present. The husband admitted that the wife did not have any earnings at present. The husband earns Rs.96,000/- as monthly pension.

Under such circumstances, Rs.20,000/- out of the monthly pension of Rs.96,000/- does not appear to be exorbitant. The quantum is reasonable. The learned court has assessed the evidence properly.

The revisional application is accordingly disposed of without any interference. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)