

18. 19.02.
2024.
Ct.655

C.O. 4468 of 2015

Sri Mukulesh Debnath
Vs.
Smt. Mahua Debnath nee Mazumdar

Mr. A. Bose,
Mr. Preetidipta Das,
Mr. Subha Senapati
....for the Respondent.

Petitioner is not represented.

Mr. Anirban Bose, learned Counsel appearing
on behalf of the opposite party/wife is present.

This is an application under Article 227 of the
Constitution of India wherein order dated 12.08.2015
passed by the learned Trial Court in connection with
Misc. Case No. 894 of 2011 arising out of Matrimonial
Suit No. 6 of 2012 has been assailed before this Court.

It appears from the impugned order that learned
Trial Court directed the petitioner/husband to pay
alimony pendente lite @ 20,000/- per month to the
opposite party/wife and also to pay maintenance
allowance for her daughter @ 15,000 per month with
effect from 29.11.2011. The petitioner/ husband was
further directed to pay Rs. 30,000/- towards the litigation
costs in favour of the present opposite party.

s.g. Being aggrieved and dissatisfied with the said
impugned order the husband of the petitioner has

preferred this revisional application and during pendency of the said application an order was passed by this Court on 28.04.2016 modifying the said impugned order passed by the Trial Court. The petitioner/husband was directed to go on paying Rs. 15,000/- per month to his wife and Rs. 8,000/- per month to his minor child through the mother and the petitioner was further directed to pay at a time to the tune of Rs. 50,000/- to be adjusted later on towards the arrear maintenance pendente lite.

It is submitted on behalf of the wife that the said amount was now highly inadequate to meet their expenses. It is further submitted on her behalf that she was being over burdened by the growing expenses, with no support from husband. So, it is submitted by the learned Counsel that the order passed by this Court dated 28.04.2016 may be vacated and the matter may be heard in view of decision rendered by the Hon'ble Apex Court in case of **Rajnish Vs. Neha and Another.**

It appears that by passing the impugned order learned Trial Court held that the wife/opposite party is entitled to get alimony pendente lite @ Rs. 20,000/- per month from the petitioner/husband and similar to that her child is also entitled to get maintenance allowance from the petitioner/husband @ Rs. 15,0000/- per month with effect from 29.11.2011. The petitioner/husband was further directed to pay Rs. 30,000/- towards the litigation

costs in favour of the opposite party/wife. By passing the order dated 28.04.2016 this Court modified the said award of maintenance to the tune of Rs. 15,000/- per month to the wife and Rs. 8,000/- per month to the minor child. The petitioner was further directed to pay at a time of Rs. 50,000 which is to be adjusted later on towards the arrear maintenance pendente lite.

With respect to the issue of enhancement of maintenance the present opposite party/wife is at liberty to move before the Trial Court for the said relief. This Court cannot grant this relief in the present revisional application as it has been filed by the husband.

In view of the facts and circumstances the order dated 28.04.2016 passed by this Court is hereby vacated and the impugned order dated 12.08.2015 passed by the learned Trial Court in connection with Misc. Case being No. 894 of 2011 is affirmed.

The Supreme Court in a significant judgment in the case of **Ranish vs. Neha And Another** issued a slew of directions for payment of interim maintenance and the criteria to be followed in determining the quantum of maintenance in matrimonial cases. The Apex Court also issued guidelines to be adhered to by Family Courts, District Courts and Magistrate Courts across the country to overcome the issue of over lapping jurisdiction and avoid conflicting orders being passed in different

proceedings.

Accordingly if any application for enhancement of maintenance is filed on behalf of the opposite party/wife before the learned Trial Court then it has to be disposed of in the manner as directed by the Hon'ble Apex Court in case of **Rajnesh Vs. Neha and Another** reported in **(2021) 2 Supreme Court Cases 324**.

Accordingly, C.O. being No. 4468 of 2015 is hereby dismissed and disposed of.

Let the copy of this order be sent down to the learned Trial Court immediately for information.

(Prasenjit Biswas, J.)