

Court No.
28
Item 83
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07.05.
2025

C.R.R. 137 of 2025
CRAN 1 of 2025

In the matter of: Sudip Dutta

Mr. Avijit Chakraborty
...for the petitioner

Ms. D. P. Mitra
...for the opposite party

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner and his wife opposite party both worked at a renowned company and earned handsome salaries. The petitioner is a B. Tech. The wife, after doing her B. Tech, had also done a Master's Degree. She is not entitled to such maintenance allowance as has been awarded by the learned Magistrate. No notice was served on the petitioner. Yet, a final order of maintenance to the tune of Rs.30,000/- per month was passed.

Learned counsel appearing on behalf of the opposite party wife submits that although she is educationally qualified being a B. Tech, at present she is not having a job. As the records would show, notice was served upon the petitioner on a particular day as would be evident from the service receipt. Yet, he chose not to appear. However, the order passed by the learned Magistrate is

that of interim maintenance.

I have heard the learned counsels for the parties and perused the revision petition.

It does not appear from the impugned order that the said order was passed for interim maintenance.

It appears that only one attempt was made to serve notice on the petitioner.

Considering the fact that the opposite party is also qualified lady and both were working at the same concern at a certain point, it is in the interest of justice that both the parties should be heard before a final order of maintenance allowance can be passed under Section 125 of the Code.

In view of the above and in the interest of justice, the impugned order is set aside and the matter is remanded back to the learned Magistrate for deciding the issue afresh upon adequate notice on both sides.

In the meantime, the petitioner shall continue to pay interim maintenance allowance @ Rs. 20,000/- from the date of application for maintenance allowance filed by the wife. The learned Magistrate shall hear out the matter as expeditiously as possible, particularly application for interim maintenance, if any, within six months from the date of communication of this order.

The revisional application and CRAN 1 of 2025 are, accordingly, disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)