

A-441
19.06.2025
Court No.6
BP

C.O. 130 of 2025

Yeeman Kalita @ Iman Kalita
-versus-
Pritisha Kalita

Mr. Sharmistha Ghosh Sharma
Ms. Madhumita patra
... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the husband and is directed against an order being no. 8 dated 25th September, 2024 passed by the learned Additional District Judge, 1st Track, 3rd Court at Barasat in Misc Case 363 of 2023 arising out of Matrimonial Suit No. 216 of 2023.

By the order impugned the application under Section 36 of the Special Marriage Act was disposed of by directing the husband/petitioner to pay a sum of Rs. 60,000/- per month for the wife and Rs. 60,000/- per month for the child till the disposal of the matrimonial suit as alimony pendente lite from the date of filing of the application.

The learned advocate appearing for the petitioner submits that the opposite party has sufficient income of her own. She submits that the amount of alimony fixed by the learned trial judge is an excessive one. She submits that the husband/opposite party herein is paying maintenance for the wife and the son @ Rs. 89,000/- per month. It is not in dispute that husband/petitioner is a

doctor. The income tax returns for the assessment year 2022-2023 reflects the annual income of the petitioner of Rs. 48,94,707/-. In the affidavit of assets and liabilities filed by the petitioner herein the petitioner has stated that he is having a monthly income of Rs. 3,00,000/-. However, the petitioner in such affidavit has stated his monthly expenditure is Rs. 3,30,914.24/-. Thus from the statements made in the affidavit of assets and liabilities it appears that the monthly expenditure of the husband is more than his monthly income. Such discrepancy has not been explained by the petitioner.

The learned trial judge after considering the materials on record and the status of the husband has directed the husband to pay a sum of Rs. 60,000/- per month for the wife and Rs. 60,000/- per month for the child with effect from the date of filing of the application for alimony pendente lite.

This Court is not inclined to interfere with such order in exercise of jurisdiction under Article 227 of the Constitution of India.

After this order was dictated the learned advocate appearing for the petitioner prays for a direction upon the the learned Additional District Judge, 1st Track, 3rd Court at Barasat to dispose of Matrimonial Suit No. 216 of 2023 expeditiously.

In the light of the submissions made by the learned advocate appearing for the petitioner, C.O. 130 of 2025

stands disposed of by requesting the learned Additional District Judge, 1st Track, 3rd Court at Barasat to make an endeavour to see that the Matrimonial Suit No. 216 of 2023 is disposed of as expeditiously as possible without granting any unnecessary adjournments to either of the parties provided the husband /petitioner is not in default in payment of arrear as well as current alimony pendente lite.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)