

04.09.2025
Item No.07
Ct. No. 446
PG

C.R.R. 204 of 2025
Shri Damodar Kumar
Vs.
Smt. Champa Devi

Mr. Shamik Chatterjee
Mr. Aditya Bikram Mahata
Mr. Sahil Kabir
Ms. Jayita Dasfor the petitioner

Mr. Subrata Bhattacharjya.....for the opposite party

1. This revisional application has been filed by the husband for setting aside the order/judgment dated 21st December, 2024 passed by the learned Additional Sessions Judge, 1st Court, Durgapur in connection with Criminal Appeal No. 13 of 2024 arising out of Misc. Case No. 378 of 2021.
2. It is the grievance ventilated before this Court by the learned advocate representing the petitioner that the marriage between the parties was solemnised on 20th May, 1977 as per Hindu rites and customs and the marriage was duly consummated and they were blessed with one son and one daughter out of the wedlock and both of them are now adults and they are married and residing peacefully in their martial lives. Subsequently, marital discord cropped up between the petitioner and the opposite party as a result of which they started living

separately and the wife/opposite party herein left the matrimonial house.

3. Furthermore, she filed several proceedings against the present petitioner including the proceeding initiated under section 12 of the Protection of Women from Domestic Violence Act, 2005 before the Additional Chief Judicial Magistrate, Durgapur seeking protection orders under section 18, residence orders under section 19 and monetary relief under section 19 thereof praying for Rs. 30,000/- as maintenance from the date of filing of such proceeding.
4. The opposite party/wife filed an application under section 23 (2) of the Domestic Violence Act seeking an interim relief and on 5th July, 2022, the learned Magistrate passed an order directing the petitioner to pay Rs. 3,000/- per month as an interim maintenance. The husband duly complied with such order and regularly paying the said amount.
5. After that on 13th February, 2024, the learned Magistrate directed the petitioner to pay Rs. 3,000/- as interim maintenance in Misc. Case No. 378 of 2021 filed under section 125 of the Cr.P.C. and the order was passed *ex parte*.
6. Being aggrieved by such order dated 13th February, 2024, the opposite party also filed an appeal before the learned

Court of Additional Sessions Judge, 1st Court at Durgapur in Criminal Appeal No. 13 of 2024 praying for enhancement of maintenance upto Rs. 30,000/- per month. Vide an order dated 21st December, 2024, the learned Additional Sessions Judge allowed such appeal and enhanced the maintenance to Rs. 18,000/- per month payable from the date of application i.e. on 23rd November, 2021.

7. It is thus, submitted by the learned advocate representing the petitioner before this Court that the total amount as of now comes to Rs. 18,000/- per month in addition to Rs. 2,000/- per month granted earlier totalling to Rs. 20,000/- per month, which is creating huge financial distress upon the present petitioner.
8. It is further submitted that the net earning of the petitioner is Rs. 97,893/- per month, as evident from the salary slip submitted during the proceeding and he has to pay EMI of Rs. 49,254 per month towards the home loan and Rs. 8,245 per month for a personal loan and having his responsibilities towards dependant family members.
9. It is further submitted before this Court that the petitioner being the husband, is shouldering all his responsibilities to maintain his wife and is always ready and willing to the maintenance to his wife and he is duty bound to do so.

10. Furthermore, it is submitted that the opposite party is enjoying her parental house and the land was gifted by the present petitioner to her. It is further prayed that since the warrant of arrest was issued against him and is now pending, an opportunity should be given to him to pay the arrear amount, which has accrued towards the enhanced amount from the date of filing of the application i.e. from December 2021.
11. Learned advocate appearing for the opposite party handed over a copy of the statement, which shows the total dues till August 2025 is Rs. 7,84,000/-. It is his submission that since the earning of the petitioner is more than Rs. 2,00,000/- per month, in view of the various decisions of the Hon'ble Supreme Court, the petitioner is liable to pay the amount of maintenance upto the standard of living considering the status of the parties.
12. The total amount, as placed before this Court, of Rs. 7,84,000/- is disputed by the learned advocate of the husband. Therefore, both the parties are to file their statement of account before this Court.
13. Be that as it may, admitted fact remains, the petitioner/husband is paying the maintenance @ Rs. 3,000/- per month regularly to the opposite party/wife but there is an arrear amount towards the enhanced

amount, as directed by the learned Court of Magistrate and that amount is coming approximately more than Rs. 7,00,000/-. Since the petitioner is ready and willing to pay the amount, this Court also considers the quantum of maintenance, as granted by the learned Court of Magistrate is reasonable to the status of the parties and in view of the income of the husband, as apparent from the last pay-slip of the husband, who is an Assistant Foreman (Electrical) in Eastern Coalfields Limited, this Court is of the view that the purpose would be subserved if the petitioner is directed to pay the current amount of maintenance @ Rs. 18,000+ Rs. 2,000/- totalling to Rs. 20,000/- per month and to pay the entire arrear amount within a period of eight months, preferably in equal instalment commencing from the month of September, 2025 till the entire amount of exhausted.

14. The petitioner is also directed to furnish the exact arrear amount and the number of instalment to be paid by him with the fixed quantum and such statement to be furnished before the learned trial Court on the date fixed. Both the parties are directed to file their respective statements before the learned trial Court on the next date fixed i.e. 9th September, 2025.

15. Accordingly, in view of the same, the order passed by the learned trial Court is hereby modified with the

above directions. Hence this revisional application stands disposed of.

16. All parties are directed to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

(Chaitali Chatterjee (Das), J.)