

09.09.2025
Item No.9
Ct. No. 446
PG

C.R.R. 234 of 2025

In the matter of: **Sajia Sultana**

.....Petitioner

Mr. Anit Dey

.....For the Petitioner

Mr. Ranabir Roy Chowdhury

.....For the State

1. Affidavit of service initially filed by the petitioner be kept with the record.
2. None appears for the husband/opposite party.
3. This instant criminal revisional has been filed being aggrieved by an order dated 20th August, 2024 passed by the learned Judicial Magistrate, 2nd Court, Arambagh, Hooghly in connection with M.C. No.107 of 2021 being a proceeding under Section 125 of the Code of Criminal Procedure, whereby Rs.1,500/- per month has been granted as an interim maintenance to the wife from the date of the order passed i.e. 20th August, 2024.
4. It is submitted by the learned advocate representing the petitioner that the marriage between the parties took place on 4th October, 2020 and accordingly, they lived conjugal life. However, later on the marital dispute cropped up between the parties and they

demanded an amount of Rs.1,00,000/- from the petitioner and ultimately, she was driven out from the matrimonial home on 15th August, 2021 and since then, she is living at her father's house fully dependant on the parents. No other matrimonial proceeding is pending between the parties as of now.

5. It is further submitted that the husband being young and healthy person and a goldsmith having a steady income has failed to take of the petitioner/wife and has not provided any maintenance for her sustenance when he had the knowledge that the petitioner has no income of her own to maintain herself. Accordingly, she had to file a proceeding under Section 125 of the Cr.P.C. before the Court of the learned A.C.J.M. at Arambagh.
6. Under compelling circumstances, the opposite party herein entered appearance before the learned Trial Court and pursuant to the direction of the Court, furnished the affidavit of asset before the Court stating his income and avocation.
7. The learned Court after hearing the learned advocates and perusing the affidavit of asset observed that as per affidavit of asset, the income of the opposite party is Rs.10,000/- per month as a labour in a gold ornament shop and he has no other source of income.

8. After considering the other factors also, the learned Court allowed the interim maintenance in favour of the petitioner to the tune of Rs.1,500/- per month.
9. It is a settled proposition of law that it is the responsibility of the husband to maintain her wife as per the status of the parties and subject to the fact that the wife has not having income of her own to maintain herself.
10. On a careful perusal of the entire facts and circumstances, this Court is of the view that the quantum of maintenance as granted is a paltry amount and it is difficult for a person on the current price index prevailing in the market to maintain with such a paltry sum of maintenance. However, this Court is also of the view that this is an interim maintenance and both the parties are to prove their respective case as to whether the husband of the petitioner is a goldsmith or is a labour attached with the jewellery shop, or the wife voluntarily left the matrimonial house or was driven out during the trial after adducing evidence before the Court.
11. Therefore, after giving an anxious consideration of the facts and circumstance, this Court is of the view that it would sub-serve the purpose, at this stage, if the amount is enhanced to Rs.2,000/- per month in place of Rs.1,500/- per month in terms of the order passed by the learned Court.

12. Further point raised by the learned advocate that the learned Court without assigning any reason allowed the prayer of the petitioner from the date of the order when the application for maintenance was pending for the last three years.
13. It is also settled law that the maintenance amount is to be usually granted from the date of filing of the application and in case it is ordered to be paid from the date of passing of the order, the learned Court must assign a cogent reason. However, in absence of any such reasoning from the Court and considering the submission advanced before this Court by the learned advocate for the petitioner that the delay has been caused on account of the opposite party and the petitioner had no role regarding such inordinate delay, this Court is of the considered view that the order should be modified and allowed from the date of filing of the application i.e. with effect from 24.09.2021.
14. Accordingly, the opposite party is further directed to pay the arrear maintenance at the rate of Rs.1,000/- per month alongwith the current amount of maintenance until disposal of the case or till the said arrear amount is exhausted, whichever is earlier. However, the said amount towards arrear can be modified by the learned Court while passing the final order or in case the husband expresses his willingness to pay the arrear amount in instalment.

15. With this above direction, revisional application stands disposed of.

16. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Chaitali Chatterjee (Das), J.)