

12.06.2025
Court No.652
Item No.68
sudipta

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

C.O. 143 of 2021

**Sri Subir Biswas
Vs.
Smt. Mousumi Biswas**

Mr. Aniruddha Chatterjee, Sr. Adv.
Mr. A. Lal Chakraborti

for the petitioner

Mr. Goutam Chakraborty
Mr. Ayan Basu
Mr. Swagatam Deb

...for the respondent

1. This petition has been filed challenging the order dated 4th January, 2021 whereby the learned Trial Court vide order no. 27 dated 4th January, 2021, awarded a maintenance of Rs.7,000/- per month to the opposite party / wife.
2. Learned counsel for the petitioner submits that this Court vide order dated 25th January, 2021 directed to make payment of Rs.6,000/- per month as maintenance *pendente lite* to the wife beginning from January, 2021 till the disposal of the revisional application. Learned counsel submits that the petitioner / husband has been paying Rs.6,000/- as maintenance since then.

3. Learned counsel for the petitioner submits that in any case the maintenance may be fixed at Rs.6,000/- per month as being paid by the petitioner / husband.
4. Perusal of the record indicates that vide order dated 28th February, 2024 the parties were directed to file their affidavits of assets and liabilities in terms of the direction given by the Apex Court in the case of ***Ranjesh Vs. Neha*** reported in ***(2021) 2 SCC 324***.
5. Learned counsel for the opposite party submits as per the pay slip filed by the petitioner / husband the net pay was Rs.52,780/-. Learned counsel for the respondent / wife submits that the respondent /wife reserves her right to file the application for enhancement of maintenance.
6. Learned counsel for the petitioner submits that though the income of the petitioner has increased and at the same time his liability has also increased. Learned counsel submits that if the liability of the petitioner as indicated in page 4 and 5 of the affidavit is taken in account those are more than the income / salary of the petitioner / husband. Learned counsel for the petitioner also submitted that he has also challenged the order

dated 12th January, 2021 whereby the Trial Court has issued a showcause notice as to why proceedings under Section 228 of IPC be not initiated against petitioner / husband for offering intentional insult against this Court.

7. At the outset, it is a matter of record that the petitioner / husband's salary has increased and is now Rs. 58,780/-. It is also pertinent to mention that it is a settled proposition that the assets and liabilities are to be seen cumulatively. The right of wife regarding maintenance cannot be denied merely because the husband has increased his expenditure. The Court has to consider that it is welfare legislation and thus it cannot be interpreted in a manner which may frustrate the right of wife.

8. I consider that the challenge as to the maintenance has no substance and liable to be dismissed.

9. Now come to the challenge as to the order dated 12th January, 2021 whereby showcause notice was issued under Section 228 of the IPC.

10. Section 228 of IPC is reproduced hereinbelow:

“228. Intentional insult or interruption to public servant sitting in judicial proceeding.—Whoever intentionally offers any insult, or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial

proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.”

11. Perusal of the order dated 12th January, 2021

indicates that the petitioner / husband has sought to take a plea that he or his advocate had never consented for payment of Rs.7,000/- per month as maintenance.

12. Learned counsel for the petitioner submits that in

fact misunderstanding took place on account of the fact that the petitioner who is merely a constable, speaks in vernacular language, and on account of communication gap the misunderstanding took place. Learned counsel submits on instructions that the petitioner has highest regards for the Court and would never intentionally utter anything which may insult or offer annoyance to the Court. Learned counsel submits that, however, though it was a case of communication gap, yet in order to keep the judicial majesty, the petitioner offers unconditional apology.

13. In view of the unconditional apology the order

dated 12th January, 2021 to the extent of issuing showcause notice under Section 228 IPC is set aside.

14. In view of discussions made hereinabove, the petition stands disposed of.

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

(Dinesh Kumar Sharma, J.)