

Court No. 6
(265719)

10.07.2025
(A 945)
(S. Banerjee)

CO 611 of 2025

Suklal Mandal
Vs.
Laxmi Mandal

Mr. Sayan Banerjee
Ms. Suparna Dutta

...for the petitioner

Mr. Suvadip Bhattacharjee
Ms. Moumita Bhattacharjee

...for the opposite party

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. 35 dated November 29, 2024 passed by the learned District Judge, Malda in Misc. Case No. 5 of 2020, arising out of Matrimonial Suit No. 130 of 2020. By the order impugned, the miscellaneous case under the provisions of Section 24 of the Hindu Marriage Act, was allowed thereby directing the husband/petitioner to pay a sum of Rs. 2,000/- per month for the wife and Rs. 1,500/- per month for each of the two minor daughters with effect from the month of November, 2020.

Mr. Banerjee, learned advocate appearing for the petitioner submits that the petitioner is also paying a sum of Rs. 7,000/- per month in terms of an

order passed in a proceeding under Section 125 of the Code of Criminal Procedure. He further submits that the learned trial judge fixed the alimony by taking into account the net pay of the petitioner for the month of January, 2025. He further submits that since the petitioner was directed to pay arrear maintenance starting from the month of November, 2020, the learned trial judge ought to have considered the net pay of the petitioner during the period 2020-2024 while fixing the alimony pendente lite.

Learned advocate appearing for the opposite party submits that the alimony pendente lite directed to be paid by the impugned order, is a reasonable amount. He further submits that it is very difficult for the opposite party to sustain herself along with the two minor children with the paltry amount of maintenance granted by the impugned order.

Heard the learned advocates for the parties and perused the materials placed.

This court finds that the learned trial judge took note of the present salary of the petitioner to be of Rs. 25,600/-. However, taking note of the fact that the miscellaneous case under Section 24 of the Hindu Marriage Act was filed sometime in the month of November, 2020, this court is of the considered view that the learned trial judge ought to have considered

the average of the net pay of the petitioner during the aforesaid period. For such reason, this court is of the view that the order impugned should be modified in the manner as indicated hereafter.

The petitioner shall pay a sum of Rs. 1,500/- per month to his wife and Rs. 1,000/- for each of the minor children with effect from November, 2020 till December, 2023. With effect from the month of January, 2024, the petitioner shall pay the alimony pendente lite at the rate directed by the learned trial judge by the order impugned. It is made clear that the alimony directed to be paid by this order shall be in addition to the amount which the petitioner has been directed to pay by the order passed under Section 125 of the Code of Criminal Procedure.

The impugned order stands modified only to the extent as indicated hereinabove.

With the above observation, CO 611 of 2025 stands disposed of. However, there shall be no order as to costs.

(Hiranmay Bhattacharyya, J.)