

04.09.2025
Item No.16
Ct. No. 446
RP

CRR 1474 of 2025
Parimal Halder
Vs.
Shilpi Halder Dey & Anr.

Mr. Tapas Kumar Mondal
Mr. Partha Sarathi Basu
.....For Petitioners

1. This revisional application has been filed by the present petitioner for setting aside the impugned order dated 14.02.2025 passed by the learned Judicial Magistrate, 3rd Court, Ranaghat, Nadia in connection with Misc. Case No.265 of 2024 whereby interim maintenance was granted to the tune of Rs.4000/- per month i.e. Rs.2000/- per month for the wife and Rs.2000/- per month for the minor daughter
2. It is submitted by the learned advocate representing the petitioner that he has no source of income and this amount is causing severe hardship for him to pay this Rs.4000/- per month and, accordingly, files this application for modification of such order.
3. Heard the submission. Perused the record and the impugned order. It appears that in the petition under Section 125 CrPC it was alleged by the opposite party/wife that the husband is having a jewellery shop and his monthly income is

Rs.1,50,000/- per month. However, from the complaint lodged by her it can be seen that statement was made that her father has to pay on regular basis for maintaining their family. It further transpires from the impugned order that the learned Court while considering the application filed under Section 125 CrPC has recorded the monthly income of the husband and nothing was found to establish that the opposite party/wife is maintaining herself or capable of maintaining herself or her minor child and such order was passed striking a balance between penury and luxury. In view of the decisions in catena of decisions where it has been stated that maintenance is not bounty or charity of the petitioner/husband and the same is to be provided considering the status of the parties. In this case, primarily the earning is shown as Rs.1.5 lakhs which during the trial both parties will have an opportunity to disclose their income by filing affidavit-of-assets pursuant to the decision of the Hon'ble Supreme Court in the case of Rajanish vs. Neha reported in 2021(2) SCC 324. Therefore, at this stage in view of the above facts and circumstances and that the petitioner is having the

business of jewellery shop and in view of the paltry sum of Rs.4000/- per month which has been allowed as maintenance, this Court is unable to interfere with the same and finds no reason to set aside such order.

4. In the result, this revisional application is dismissed.
5. Urgent Photostat copy of this order, if applied for, be given to the learned advocates for the parties, upon compliance of all formalities.

(Chaitali Chatterjee (Das), J.)