

Court No. 6  
(265719)

**09.06.2025**  
(A 25)  
(S. Banerjee)

CO 1228 of 2025

Sri Rajeshwar Dutta  
Vs.  
Smt. Payel Roy Dutta

Ms. Akanksha Mukherjee  
Mr. Atishay Jain

...for the petitioner

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. 9 dated March 11, 2024 passed by the learned Additional District Judge, 3<sup>rd</sup> Court at Alipore in Misc. Case No. 120 of 2022.

By the order impugned the petitioner was directed to pay a sum of Rs. 10,000/- as alimony pendente lite to the opposite party herein and a litigation cost of Rs. 5,000/-.

Learned advocate appearing for the petitioner submits that the wife/opposite party herein is earning a substantial sum of money by working in her father's jewellery shop. She submits that the learned trial judge did not take into consideration such aspect. She further submits that the wife is also a graduate and, therefore, she is not entitled to any alimony pendente lite from the husband. The learned advocate

further submits that the learned trial judge has not considered the income of the petitioner as disclosed by the husband/petitioner in the income tax return.

This court finds that the learned trial judge has taken into consideration the affidavit of assets and liabilities filed by the respective parties. The husband has stated his monthly income as Rs. 8,000/- in the affidavit of assets and liabilities and the qualification of the husband is MBA. In the affidavit of assets and liabilities the husband has not mentioned anything about his liabilities. The husband has also not stated anything in the said affidavit as to the earning of the wife. The husband failed to prove that the wife has independent income to support herself.

The learned trial judge after considering the materials on record fixed the alimony pendente lite at Rs. 10,000/- per month.

Considering the status of the parties, this court is of the considered view that a sum of Rs. 10,000/- fixed as alimony pendente lite cannot be said to be an excessive one.

For the reasons as aforesaid, this court is not inclined to interfere with the order impugned.

At this stage the learned advocate appearing for the petitioner submits that the matrimonial suit is at

the stage of evidence and the learned trial judge be directed to expedite the hearing of the matrimonial suit.

In the light of the aforesaid submission, CO 1228 of 2025 stands disposed of by requesting the learned Additional District Judge, 3<sup>rd</sup> Court at Alipore to make an endeavour to see that the Matrimonial Suit NO. 2657 of 2021 is disposed of as expeditiously as possible without granting any unnecessary adjournment to either of the parties provided, the husband/petitioner herein is not in default in payment of the alimony pendente lite and the litigation cost.

**(Hiranmay Bhattacharyya, J.)**