

23-04-2025
Item no.13
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Civil Revisional Jurisdiction

CO No.1239 of 2025
Sri Sanjoy Kumar Das
-vs-
Saptadeepa Das Saha

Mr. Samrat Chakraborty ...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 dated March 1, 2025 passed by the learned Judge, Fast Track 2nd Court at Barasat in Miscellaneous Case No.154 of 2022 arising out of Matrimonial Suit No.124 of 2021 (renumbered as Matrimonial Suit No.24 of 2021).

In a suit for divorce filed by the husband-petitioner, the wife-opposite party has filed an application under section 36 of the Special Marriage Act, 1954 claiming alimony *pendente lite*. The learned trial judge by an order dated March 1, 2025 allowed the said application by directing the husband to pay a sum of Rs.18,000/- per month as interim maintenance to the wife with effect from the date of filing the section 36 application and further sum of Rs.10,000/- on account of litigation costs.

Learned counsel for the petitioner submits that the learned trial judge did not take into consideration the educational qualification of the wife while passing the order of alimony. He further submits that the petitioner is paying the maintenance amount as claimed by the wife in the proceedings under provisions of the Protection of Women against Domestic Violence Act as well under

section 125 CrPC. He also submits that the husband has several dependants whom he is to maintain apart from his wife.

After going through the materials on record, this court finds that the wife does not have any independent source of income to maintain herself. From the pay slips produced before the trial court and this court, it appears that the gross salary of the petitioner is around 82,000/- per month. The learned trial judge, after taking note of the gross and net salary of the petitioner as well as the amount of maintenance which the husband is paying to the wife in terms of the direction passed in the proceedings under the Protection of Women against Domestic Violence Act as well as under section 125 CrPC, was of the view that the wife should be paid a sum of Rs.18,000/- per month on account of alimony *pendente lite* and also directed adjustment of the sum which the petitioner is paying to the wife on account of maintenance in other proceedings.

Considering the income of the husband, this court is of the view that the quantum of alimony *pendente lite* fixed by the learned trial judge is a reasonable amount.

Thus, this court finds that the order impugned does not suffer from any infirmity warranting interference under Article 227 of the Constitution.

CO No.1239 of 2025 is accordingly dismissed.

Certified copy of this order, if applied for, shall be made available to the parties.

[Hiranmay Bhattacharyya, J]

