

Sl. 9
10.09.2025
Court No.6
BP

C.O. 1356 of 2025
With
CAN 1 of 2025

Anirban Chatterjee
-versus-
Rituparna Chatterjee nee Mukherjee

Mr. Partha Pratim Roy
Mr. Sounak Mondal
... for the petitioner

Mr. Sourajit Dasgupta
Mr. Aditya Tiwari
Mr. Mayukh Majumder
..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. 49 dated March 17, 2025 passed by the learned Additional District Judge, 10th Court at Alipore, 24-Parganas (South) in Misc. Case No. 603 of 2024.

By the judgement and order impugned the miscellaneous case was allowed in part thereby directing the opposite party/husband to pay maintenance pendente lite @ Rs. 25,000/- only per month from the date of filing of the miscellaneous case in addition to the amount directed to be paid by the learned Judicial Magistrate in a proceeding under Section 125 of the Criminal Procedure Code.

Mr. Roy, learned advocate appearing for the petitioner submits that the learned trial judge did not take

into consideration the disclosures made by the parties in the affidavit of assets and liabilities while directing the petitioner to pay alimony at the aforesaid rate. He further submits that the wife/opposite party is having substantial income by way of private tuition. He submits that she also received a substantial amount by selling an ancestral property and the said fact has been suppressed in the affidavit of assets. He further submits that the wife/opposite party herein has also not disclosed her bank account in the affidavit of assets.

The learned advocate appearing for the opposite party submits that the opposite party does not have any substantial income by way of private tuition. He further submits that at the relevant point of time the opposite party/wife did not have any bank account but at the present moment she is having a bank account in her own name.

In course of hearing of the civil revisional application the learned advocate appearing for the opposite party, upon taking instructions from the wife, who is personally present in Court, submits that if an alimony @ Rs. 20,000/- per month is granted the same may satisfy the needs of the wife /opposite party herein for the present.

In reply to such submission, Mr. Roy, learned advocate appearing for the petitioner submits that since the matrimonial suit is at the stage of argument the

petitioner is interested to pay off the entire arrears of alimony as may be directed by this Court within a short period of time so that the matrimonial suit can be disposed of expeditiously.

After hearing the learned advocates for the respective parties and taking note of the submission made by the learned advocate for the opposite party on instructions, with regard to the quantum of alimony, this Court is of the considered view that a sum of Rs. 18,000/- per month shall be just and proper on account of alimony pendente lite inclusive of the amount which the petitioner has been directed to pay to the wife/opposite party by an order passed by the learned Judicial Magistrate in a proceeding under Section 125 of the Criminal Procedure Code.

The Miscellaneous Case No. 603 of 2024 has been filed on 20th December, 2024.

The petitioner shall pay the entire arrears of alimony calculated @ Rs. 18,000/- per month with effect from the date of filing of Miscellaneous Case No. 603 of 2024 i.e. on and from 20th December, 2024 till the month of August, 2025 after adjusting the amount of maintenance which the petitioner has to pay pursuant to an order passed by the learned Judicial Magistrate by two installments and the first installment amounting to Rs. 50,000/- shall be paid by the petitioner to the wife/opposite party herein by way of electronic transfer to

the bank account of the wife/opposite party herein on or before September 25, 2025. The balance amount of arrear alimony up to the month of August, 2025 at the aforesaid rate after adjustments will be paid by the petitioner to the wife/opposite party herein on or before 15th November, 2025 to the bank account of the wife/opposite party herein. The petitioner shall go on paying the current alimony on and from the month of September, 2025 within the tenth day of each succeeding English Calendar Month till the disposal of the matrimonial suit.

It is hereby recorded that the learned advocate on record of the opposite party has already furnished the particulars of the bank account and other necessary particulars to facilitate the transfer of funds through electronic mode.

After the arrear alimony in terms of this order is liquidated and provided the petitioner is not in default of current alimony, the learned Additional District Judge, 10th Court at Alipore shall made an endeavour to dispose of the Matrimonial Suit No. 1282 of 2017 by the end of the month of December, 2025 without granting any unnecessary adjournments to either of the parties.

It is, however, made clear that it will be open to the wife/opposite party herein to recover the arrears of maintenance under other proceedings, if it is recoverable as per the law, in the manner known to law.

With the above observations and directions, C.O. 1356 of 2025 stands disposed of. The application being CAN 1 of 2025 is also disposed of.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)