

25.05.2025
SL No.51
Court No.32
S.Gayen

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION
APPELLATE SIDE**

CRR 1551 of 2024

**Shreeya Roy
Versus
The State of West Bengal & Anr.**

Mr. Debabrata Acharyya
Mr. Sital Samanta

...for the Petitioner

1. Affidavit of service filed by the petitioner is taken on record.
2. None appears on behalf of the opposite parties in spite of service.
3. This revisional application has been filed assailing the order dated 05.03.2024 passed in connection with MC Case No. 304 of 2021, wherein the learned Judicial Magistrate, 1st Court, Uluberia, Howrah allowed interim maintenance of Rs. 8000/- per month for minor children of the opposite party.
4. At the time of disposal of the application for interim maintenance on behalf of the minor daughter, the learned Magistrate considered both the income of the mother of the child and that of the opposite party i.e. father of the child.
5. The learned Magistrate also considered the deduction from the salary of the opposite party/husband and liability of paying EMI for the flat purchased by the opposite party.
6. Learned counsel appearing on behalf of the petitioner has submitted that the learned Magistrate could not appreciate the status of the parties and admittedly the opposite party is an

Assistant Professor, I.I.T. Ropar, Punjab having monthly salary of Rs. 1,75,000/-.

7. On careful scrutiny of the entire order impugned in this revisional application, I find that the learned Magistrate passed the order relying on submission made by the learned counsel appearing on behalf of the opposite party with a proposal for paying maintenance of Rs. 8000/- to 10,000/- per month without considering the status of the parties.
8. I am of the humble view that the learned Trial Court failed to strike a delicate balance between the opposite party's earnings and the essential sum required for the petitioner to sustain a life of dignity. The order passed relying on the proposal made on behalf of the opposite party, in my most considered view, is nothing short of a grievous affront to the petitioner i.e., minor daughter who seeks but the bare sustenance to secure her very livelihood with dignity in consonance with the status of the opposite party.
9. From the aforesaid view of the matter, I am of the opinion that a sum of Rs. 20,000/- per month should be the amount towards interim maintenance for a daughter to a person who is Assistant Professor, I.I.T. Ropar having salary of Rs. 1,75,000/-, even though, after deduction he is receiving Rs. 84,464/-, keeping in mind the concept of Equistatus delineated by the Hon'ble Apex Court.
10. In the aforesaid view of the matter, I modify the order by enhancing the interim maintenance from Rs. 8000/- to 20,000/- with effect from the date which has already been decided by the learned

Magistrate. The opposite party/husband is directed to pay the interim maintenance within 10 day of each succeeding month.

11. With the aforesaid observations, the revisional application stands disposed of.
12. Petitioner is at liberty to communicate this order to the learned Magistrate for information.
13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.
14. Urgent Photostat certified copy, if applied for, be given to the parties upon compliance with all requisite formalities.

(Bibhas Ranjan De, J.)