

22.05.2025

CRR 1980 of 2025

Ct. No. 28

In the matter of:- Ranajit Das

...petitioner

Mr. Kaushik Gupta Id. Sr.Adv.,
Mr. Debayan Sen,
Mr. Abhilash Sinha Roy,
Mr Gourav Das,
Mr. Soumya Chakraborty.
...for the petitioner.

Mr. Moyukh Mukherjee,
Mr. Koustav Lal Mukherjee.
...for the OP No.2.

Learned counsel appearing on behalf of the petitioner submits as follows. Learned Magistrate had passed an interim order of monetary compensation to the tune of Rs.80,000/- to be paid to the opposite party/wife. This was reduced to a sum of Rs.40,000/- per month by the learned Sessions Court in appeal at the interim stage. Although the petitioner earns Rs.2.25 Lakhs per month as salary, the wife is not entitled to any maintenance allowance as she has been living a wayward life as would be evident from her name being present in several dating apps as well as the entry and exist times of different men coming to the apartment where she resides. In fact, out of fear the petitioner has left the said apartment and was still paying the rent till the subsistence of lease. The proceeding under the Protection of Women from Domestic Violence Act was initiated only after the petitioner filed a matrimonial suit. Other proceedings like criminal case, inter alia, under Section 498A of the Penal Code have also been initiated.

Learned counsel appearing on behalf of the private opposite party strongly opposes the application and submits that the appeal is still pending before the learned Appellate Court. The allegations made on behalf of the petitioner are denied. The petitioner was subjected to torture

and ill treatment. That is why several proceedings had to be initiated including under the provisions of Protection of Women from Domestic Violence Act. It is under a Court's order that the petitioner is staying at the said residence. The points taken up by the petitioner ought to be agitated before the Appellate Court, if at all.

It appears that an appeal has been preferred by the petitioner. Till a final decision is taken, the wife cannot not be without maintenance allowance.

Therefore, I do not find any illegality in the order passed by the learned Sessions Judge by granting Rs.40,000/- as interim monetary compensation in favour of the petitioner, especially considering the fact that the petitioner's salary is about Rs.2.25 Lakhs.

The grievances vented by the petitioner in this application can fairly be considered by the learned Appellate Court.

In view of the above, the revisional application is disposed of by granting liberty to the petitioner to raise all these points before the learned Appellate Court and by requesting the Appellate Court to consider the contentions of the adverse parties in accordance with law and as expeditiously as possible.

The petitioner shall be at liberty to pray for stay of the warrant of arrest issued by the Magistrate before the learned Appellate Court, which shall then be considered expeditiously and in accordance with law.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)