

26.02.2025
rc/ct.no.34
Item No.169

CRR No. 1771 of 2024

In the matter of : Anil Baran Roy

.....Petitioner

Mr. Achintya Kumar Banerjee
Mr. Subhankar Sen
Mr. Indumouli Banerjee ...for the Petitioner

Affidavit of service filed on behalf of the petitioner is taken on record.

None appears on behalf of the private opposite party despite service.

The petitioner who is the husband of the opposite party is aggrieved by the order dated March 15, 2023 passed by the learned Additional Chief Judicial Magistrate, Bishnupur directing him to pay Rs.12,000/- per month as maintenance to the opposite party.

Learned counsel for the petitioner submits that the opposite party has retired from service and receive a meagre pension of Rs.17,130/- after commutation. The learned trial Court has granted an exorbitant amount as maintenance only upon assumption of the total income of the petitioner and without perusing any document to that effect.

It appears from the material on record that the petitioner's pension for the month of June, 2024 was Rs.21,627/-. It can be presumed that the said pension has increased to some extent as on date. True, the learned trial Court has assessed the income of

the petitioner purely on assumption and without perusing any document produced by either of the parties. The opposite party has not cared to contest the present application despite service of notice.

Be that as it may, upon consideration of the present income of the petitioner as well as other facts and circumstances as appears from the material on record as well as the order impugned, this Court is of the view that an amount of Rs.10,000/- per month for the opposite party as maintenance shall meet the ends of justice.

The order impugned dated March 15, 2023 passed by the learned Additional Chief Judicial Magistrate, Bishnupur in Misc. Case No. 38 of 2017 be modified to the extent that the petitioner shall pay Rs.10,000/- per month to the opposite party as maintenance, the amount for each month being payable within seven day of each succeeding month.

CRR No. 1771 of 2024 is disposed of accordingly.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh,J)