

16.12.2025
Item No.25
Ct. No. 34
nb

CRR 1713 of 2023

In the matter of: **Ruby Sharma**

..... petitioner.

Mr. Ayan Mitra,

....For the Petitioner

Mr. Pinak Ranjan Mitra,

..... for the opposite party

1. This revisional application has been filed against the order passed by the learned Judicial Magistrate 7th Court, Howrah on February 22, 2023 whereby an interim maintenance was allowed directing the present opposite party to pay interim maintenance of @ Rs.1,500/- per month for the petitioner and Rs.1,500/- per month for the son total Rs.3,000/-.
2. It is the case of the petitioner that the proceeding under Section 125 of the Code of Criminal Procedure was filed with a direction to pay the husband sum Rs.5,000/- per month towards maintenance and sum of Rs.3,000/- per month maintenance to the child.
3. The marriage was solemnized in the month of August 2003 according to Hindu Rights and Customs and parties was blessed with a male child presently aged about 16 years. Subsequently marital dispute cropped up and the parties started living separately since the year 2020. Whether the petitioner/wife voluntarily left the matrimonial home or she was driven out will be decided by the Learned Magistrate after taking evidence the order of interim maintenance though it is recorded about affidavit of assets of the husband, the Court

did not utter a single word regarding documents or the statements given by the husband so far as his income is concerned. Learned advocate recorded the submission of the opposite party that he was working in a Super Battery Corporation earning Rs.8,500/- and accordingly directed such amount of Rs.3,000/- to be paid. The present petitioner has filed the affidavit of assets by way of supplementary affidavit. However since this Court is not entering into the variety of such affidavit and it is the learned Magistrate to ascertain the correctness of the same at the time of taking evidence.

4. However, in the aforesaid facts and circumstances, this Court is of the view the amount granted of interim maintenance of Rs.1,500/- as well Rs.1,000/- towards the son is very meagre amount considering the present market condition.
5. The petitioner is directed to pay Rs.4,000/- instead of Rs.3,000/- per month in favour of the Rs.2,000/- for wife and Rs.2,000/- for the minor son total Rs.4,000/- from this date of this order for the present till the further order is passed by the learned Magistrate. The other parts of order passed by the learned Court will remain same. The husband is directed to clear the arrear amount if any taking the maintenance amount of Rs.3,000/- as directed by the learned Court.
6. It is made clear that learned Magistrate considering the prayer for proceeding for maintenance will consider the excess amount paid if any to the petitioner and will adjust the same while calculating the entire amount of maintenance. This Mise Case was filed in the year 2020 and therefore, the learned Magistrate is also directed to expedite the hearing of the Mise.

Case at an earliest without granting unnecessary adjournment to either of the parties.

7. In view of the above facts and circumstances, this revisional application is disposed of.
8. Let the copy of the order be sent to the learned Court for taking necessary action.
9. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(CHAITALI CHATTERJEE (DAS), J.)