

Sl.10
11.06.2025
Court No.6
BP

C.O. 1776 of 2025

Smt. Sathi Das
-versus-
Sri Milan Das

Mr. Ivan Roy
... for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the wife and is directed against an order being no. 28 dated 7th March, 2025 passed by the learned Additional District Judge, 15th Court at Alipore in Miscellaneous Case no. 178 of 2022 arising out of Matrimonial Suit No. 3790 of 2021.

The learned advocate appearing for the petitioner submits that the learned trial judge directed the alimony to be paid with effect from the date of the passing of the order instead of from the date of the filing of such application. He further submits that no litigation cost has been awarded to the petitioner.

After going through the materials on record this Court finds that the parties have filed their respective affidavits of assets and liabilities before the learned trial judge. The learned trial judge after considering the same arrived at a factual finding that the net income of the wife is Rs. 13,947/- and the income of the husband is Rs. 35,610/-. The learned trial judge further noted that admittedly the parties have a minor daughter who is residing under the care, custody and maintenance of the

husband and the wife has not prayed for any maintenance for the minor child. The learned trial judge further recorded that both the parties are residing in the same house but in separate mess.

After taking into consideration the fact that the wife has an independent income of her own, the learned trial judge directed the husband to pay alimony @ Rs. 5,000/- per month with effect from March, 2025 i.e. from the date of passing of the impugned order. Though ordinarily alimony should be directed to be paid from the date of filing of such application but this Court finds that the learned trial judge directed alimony to be paid from the date of passing of the impugned order after taking into consideration the total liabilities of the husband and also that the wife is earning. The reasons assigned by the learned trial judge for making a departure by directing payment of alimony from the date of order is acceptable to this Court. The learned trial judge was also right in not awarding litigation cost as the wife has an independent income.

For such reason, this Court is not inclined to interfere with the order impugned.

At this stage, the learned advocate appearing for the petitioner submits that a direction be passed upon the learned trial judge to dispose of the matrimonial suit expeditiously.

The learned Additional District Judge, 15th Court at Alipore is requested to make an endeavour to dispose of the Matrimonial Suit No. 3790 of 2021 as expeditiously as possible without granting any unnecessary adjournments to either of the parties provided the husband is not in default in payment of maintenance.

With the above observations and directions, C.O. 1776 of 2025 stands disposed of.

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.)