

D/L- 40
01/07/2025
Ct. No.-6
Aritra

C.O. 2332 of 2025

**Sri Asto Paul
Vs.
Smt. Mouhua Paul**

Mr. Shashwat Nayak
Mr. Abhishek Kabir

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the husband and is directed against an order being No.41 dated April 28, 2025 passed by the learned Additional District Judge, Fast Track, 3rd Court at Howrah in Miscellaneous Case No.284 of 2023.

By the order impugned, the application under Section 24 of the Hindu Marriage Act was allowed thereby directing the husband/petitioner herein to pay a maintenance of Rs.6000/- per month until further orders.

The learned advocate appearing for the petitioner submits that pursuant to an agreement the petitioner has paid a substantial amount of money to the wife/opposite party herein on the account of permanent alimony. He further submits that the wife/opposite party herein is also earning a substantial amount of money by way of private tuition. He refers to the agreement dated April 29, 2018 and June 14, 2019 in

support of his contention that substantial amount of money has been paid on account of permanent alimony.

After going through the said agreement, this Court finds that wife/opposite party is neither a party to those agreements and, therefore, not a signatory to those agreements.

In view thereof, the terms and conditions contained in the said agreements cannot be binding upon the wife/opposite party herein, merely because of the fact that the wife/opposite party attested the LTI of her mother in the agreement.

Though the petitioner claims that the wife/opposite party is earning a substantial amount by giving private tuition and also from other business, the petitioner failed to prove such fact at the time hearing of the application under Section 24 of the Hindu Marriage Act.

That apart, the learned trial judge observed that the husband/petitioner is having a monthly income of Rs.15000/- and have stated his monthly expenditure to be of Rs.10000/- per month. The learned trial judge was right in drawing an adverse inference against the husband/petitioner for not mentioning the nature of his work and his income in the written objection to the application under Section 24 of the Hindu Marriage Act.

The amount of maintenance fixed by the learned trial judge appears to be reasonable one and the same,

by no stretch of imagination, be said to be an exorbitant one considering the present price index.

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

Accordingly, CO 2332 of 2025 stands dismissed.

There will be no order as to costs.

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

(Hiranmay Bhattacharyya, J.)