

28.02.2025
rc/ct.no.34
Item No.195

CRR No. 2491 of 2024

In the matter of : Sisir Chandra Konar

.....Petitioner

Mr. Bhaskar Prasad Banerjee	
Mr. Aniket Mitra	
Mr. Parashar Baidya	for the petitioner
Mr. Subrata Bhattacharya	...for the O.P.

The petitioner who is the father of the opposite party is aggrieved by the order dated October 18, 2023 passed by the learned Additional Sessions Judge, 2nd Court, Durgapur, Paschim Bardhaman in Criminal Motion No. 31 of 2023 affirming the order passed by the learned Judicial Magistrate, 2nd Court, Durgapur, Paschim Bardhaman on May 16, 2023 in Misc. Case No. 118 of 2019 directing the opposite party to pay Rs.6000/- per month to the petitioner as maintenance till disposal of the application under Section 125 of the Code of Criminal Procedure.

Learned counsel for the petitioner submits that the petitioner is more than 80 years of age at present and superannuated before more than 20 years. The opposite party who is one of his sons is an employee of Durgapur Steel Plant and his affidavit of assets and liabilities demonstrates that his net income per month as in 2023 was Rs.47,268/-. The petitioner seeks enhancement of the interim maintenance granted in his favour.

Per contra, learned counsel for the opposite party submits that the petitioner has received a lump sum amount as his retiral benefit though he does not receive any pension. The petitioner not having parted with his retiral benefit or any portion thereof in favour of the opposite party, the opposite party is reluctant to pay interim maintenance to the petitioner.

Admittedly the net monthly income of the opposite party was Rs.47,268/- in 2023 which, in all probability, has enhanced subsequently.

Upon consideration of the submission made on behalf of the parties and material on record, this Court is of the view that since the petitioner is an octogenarian person having no income of his own at present, he is entitled to interim maintenance to the tune of Rs.8000/- per month from the opposite party till the application is finally taken to its logical conclusion by the learned trial Court in order to enable him to lead a respectable life and meet his medical and other expenses.

The revisional application is accordingly allowed.

The order impugned dated October 18, 2023 passed by the learned Additional Sessions Judge, 2nd Court, Durgapur, Paschim Bardhaman in Criminal Motion No. 31 of 2023 be quashed/set aside.

The opposite party is directed to pay Rs.8000/- per month to the petitioner as interim maintenance till disposal of the application under Section 125 of the Code of Criminal Procedure,

the amount for each month being payable within the seventh day of the month.

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

(Suvra Ghosh,J)