

23.07.2025
Item no. 24.
Court No.6.
AB

C. O. 2598 of 2025

**Arunangshu Saha
Vs
Antara Saha (Santra)**

Mr. Sudip Sarkar,
Mr. Anindya Sundar Das,
Mr. Shounak Ghosh,
Mr. S. A. Afzal,
Ms. Paramita Mondal,
Ms. Suva Gayen,
Mr. Suman Halderfor 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 dated May 7, 2025, passed by the learned Additional District Judge, 4th Court, Barasat, North 24 Parganas in Misc. Case No.111 of 2023 arising out of MAT Suit No.1307 of 2021.

By the order impugned, the application under Section 24 of the Hindu Marriage Act was allowed in part thereby directing the husband/petitioner to pay to the wife/opposite party a sum of Rs.10,000/-per month on account of alimony pendente lite from the date of filing of the application till the disposal of the matrimonial suit within 10th day of each succeeding month of English Calendar.

Learned Advocate appearing for the petitioner submits that the wife has admitted in her deposition

in a proceeding being G. R. 2570 of 2022 that she is having an income. Learned advocate further submits that the petitioner herein was compelled to close down the clinic and the petitioner is presently unemployed. He further submits that the learned Trial Judge has fixed an exorbitant amount on account of alimony pendente lite.

After going through the examination in chief of the opposite party herein, on which strong reliance was placed by the learned advocate for the petitioner in support of his contention that the wife has independent income, this Court finds that the wife/opposite party in her examination in chief as P.W.1 has stated that she was working as a Security Guard at a Veterinary Girls' Hostel at Khudiram Bose Sarani at the time when the alleged incident took place on October 12, 2022. Though the opposite party gave her evidence on January 27, 2025, but the fact relating to her employment relates to the year 2022 and not January 2025, as sought to be contended by the learned advocate for the petitioner.

The petitioner has annexed the affidavit of assets and liabilities filed by the wife/opposite party before the learned Trial Judge, but has not annexed copy of the affidavit of assets and liabilities filed by the husband before the learned Trial Judge. Copy of such affidavit of assets and liabilities filed by the husband

/petitioner herein before the learned Trial Judge has been produced by the learned advocate appearing for the petitioner in Court today.

After perusing the affidavit of assets and liabilities filed by the husband/petitioner, this Court finds that the petitioner has suppressed all material facts which are required to be disclosed in the affidavit of assets to enable the Court to arrive at a finding with regard to the income of the husband.

The learned Trial Judge took into consideration that the husband/petitioner is a dentist and being an able bodied person is required to maintain his wife. The learned Trial Judge directed the husband/petitioner to pay only @ Rs.10,000/-per month. The amount directed to be paid as alimony pendente lite cannot be considered to be an unreasonable amount considering the present price index.

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

Accordingly, C. O. No.2598 of 2025 stands dismissed.

There shall be no order as to costs.

(Hiranmay Bhattacharyya, J.)

