

30.07.2025
Item no. 25.
Court No.6.
AB

C. O. 2704 of 2025

**Paramita Mondal & Anr.
Vs
Bibek Mondal**

Mr. Sanat Kr. Das,
Mr. Sujan Chatterjeefor the Petitioners.

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.34 dated 10.04.2025 passed by the learned Additional District Judge, Chandannagore, Hooghly in Misc. Judicial Case No.02 of 2020.

By the order impugned, the application under Section 36 of the Special Marriage Act was disposed of on contest by holding that the husband/opposite party is not required to pay any further maintenance towards the daughter.

The learned advocate appearing for the petitioners submits that the income of the husband is more than Rs.2 Lacs per month and, therefore, the opposite party should be directed to bear the expenses of the child.

It is not in dispute that the wife/petitioner herein is having independent income of her own. From the affidavit of assets and liabilities filed by the

respective parties, the learned Trial Judge has recorded that the petitioner earns Rs.88,675/-per month as her salary and the husband earns Rs.1,36,760/-per month as his salary. Since both the parents are earning, it is the responsibility of the parents to bear the expenses of the child proportionate to their respective income.

The learned Trial Judge, after going through the materials on record, arrived at a factual finding that the total expenses of the daughter is Rs.30,000/-. The learned advocate for the petitioners could not controvert such factual finding by way of production of material records. The learned Judge rightly applied the proportion of 2:1 in which the husband and the wife have to bear the expenses of the child after taking into consideration that the income of the husband is almost two times the income of the wife.

Since the learned Trial Judge has arrived at a finding about the total expenses of the daughter, this Court is of the considered view that the learned Trial Judge was right in observing that the liability of the opposite party towards the maintenance of the child is Rs.20,000/- by applying the aforesaid proportion.

It is not in dispute that the husband/opposite party herein is paying a sum of Rs.25,000/- towards the maintenance of the daughter as per the order of the Judicial Magistrate, 2nd Court, Chandannagore,

Hooghly. After taking note of the fact that the amount of the maintenance that the husband /opposite party is paying pursuant to an order in a proceeding under Section 125 Cr.P.C., is more than the amount which the learned Trial Judge has directed husband/opposite party to share by the impugned order, the finding of the learned Trial Judge that the husband/petitioner shall not be required to pay any further maintenance towards the daughter, does not suffer from any infirmity warranting interference under Article 227 of the Constitution of India.

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

Accordingly, C. O. No.2704 of 2025 stands dismissed.

There shall be no order as to costs.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Hiranmay Bhattacharyya, J.)