

Court No. 6
(265719)

13.08.2025
(AD 15)
(S. Banerjee)

CO 2811 of 2025

Sri Prithwish Gozi
Vs.
Soma Gozi @ Soma Banerjee

Mr. Navanil De
Mr. Srinjan Ghosh
Ms. Monalisa Das

...for the petitioner

This application under Article 227 of the Constitution of India is at the instance of the husband and is directed against order no. 32 dated May 2, 2025 passed by the learned Additional District Judge, 1st Court, Baruipur, South 24 Paranas, in Miscellaneous Case No. 4 of 2022, arising out of Matrimonial Suit No. 92 of 2019. By the order impugned, the application under Section 24 of the Hindu Marriage Act praying for alimony pendente lite, was allowed thereby directing the petitioner to pay alimony pendente lite to the opposite party/wife and the minor at the rate of Rs. 16,000/- and Rs. 11,000/- respectively per month and pay litigation cost at the rate of Rs. 20,000/- to the opposite party from the date of filing of the misc. case under Section 24 of the Hindu Marriage Act.

Learned advocate appearing for the petitioner submits that the petitioner is earning only Rs. 39,838/- per month on account of salary as a physiotherapist in a government hospital. He further submits that the opposite party also has a substantial income by way of private tuition as well as earning on account of interest from fixed deposits.

After going through the materials on record this court finds that it is not in dispute that the learned Judicial Magistrate, Baruipur in Misc. Case NO. 8 of 2019 passed an order of monetary relief against the petitioner herein which was challenged by the petitioner in Criminal Appeal No. 11 of 2019 wherein the petitioner was directed to pay monetary relief of Rs. 15,000/- to the opposite party herein and Rs. 10,000/- to the minor daughter. On a query of the court, learned advocate appearing for the petitioner, in his usual fairness, submits that the said order has not been challenged before any superior forum and the petitioner is paying the amount as per the direction passed in the Criminal Appeal No. 11 of 2019. The learned trial judge after considering the income of the petitioner, status of the respective parties, directed the petitioner to pay alimony pendente lite to the petitioner and the daughter at Rs. 16,000/- and Rs. 11,000/- per month, i.e., an amount totaling to Rs. 27,000/- per month. It is not

in dispute that in case the husband is directed to pay maintenance/alimony under different proceedings, the lower amount will be adjusted against the higher amount. It is also not in dispute that the amount of maintenance which the petitioner has been directed to pay in a proceeding under the Domestic Violence Act, was Rs. 25,000/- per month and this court on a miscellaneous case under Section 24 of the Hindu Marriage Act, directed the petitioner to pay Rs. 27,000/- per month. This court is of the view that the amount of alimony directed to be paid by the husband to the wife and child cannot be said to be an unreasonable amount. This court is not inclined to interfere with the order passed by the learned trial judge.

With the above observation, CO 2811 of 2025 stands disposed of without interfering with the order impugned.

(Hiranmay Bhattacharyya, J.)