

CRR 3358 of 2024

Aditi Bhattacharya Chanda @ Aditi Chanda
Vs.
Chiradeep Bhattacharya

Adv. Navanil De,

... for the Petitioner.

Adv. Rit Banerjee,

...for the op.

Heard learned counsels for the parties.

The petitioner who is the wife of the opposite party has assailed the order dated 21st May, 2024 passed by the learned Judicial Magistrate, Lalbagh, Murshidabad in Maintenance case no. 602 of 2021 turning down the prayer of the petitioner for interim maintenance.

Learned counsel for the petitioner submits that the petitioner has no independent income of her own and is living in penury. Her prayer for interim maintenance has been turned down by the learned trial Court only on the ground that she has not made any effort to earn her livelihood despite being capable of doing so. Learned counsel takes this Court to the pay slip of the opposite party for July, 2024 which demonstrates that his net pay as in July, 2024 was Rs.1,12,356/-. The affidavit of assets and liabilities filed by the opposite party before the learned trial Court demonstrates that his income from bank interest and mutual fund excluding his salary was about Rs.1,08,791/- during the assessment year 2022 – 23.

Though the learned counsel for the opposite party submits that the petitioner has some income of her own, no document has been filed by the opposite party in support of the said contention, nor has the same being brought to the notice of the learned trial Court when the matter was taken up for consideration.

In view of the above, this Court is inclined to hold that since there is nothing on record to indicate that the petitioner has some independent income of her own sufficient to make her both ends meet and enable her to lead the standard of life that she enjoyed during her stay with the opposite party, interim maintenance to the tune of Rs.30,000/- per month shall meet the ends of justice till the application under Section 125 of the Code of Criminal Procedure is finally disposed of.

Accordingly, the order impugned dated 31st May, 2024 passed by the learned Judicial magistrate, Lalbagh, Murshidabad in Maintenance case no. 602 of 2021 is quashed/set aside.

The opposite party is directed to pay interim maintenance to the petitioner to the tune of Rs.30,000/- per month from the date of the application filed under Section 125 of the Code, the amount for each month being payable within seventh of each succeeding month. The mode and manner of payment of the arrear maintenance by the opposite party shall be decided by the learned trial Court.

The learned trial Court is directed to take the proceeding under Section 125 of the Code to its logical conclusion within three months from the next date of hearing fixed before him upon granting reasonable opportunity of hearing to the parties and without granting any unnecessary adjournment to either of the parties, in accordance with law.

CRR 3358 of 2024 is disposed of.

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

(Suvra Ghosh, J.)