

17.02.2025
tkm/ct 28
sl no.29

C.R.R. 3850 of 2024

In Re : An application under section 528 of the Bharatiya Nagarik
Suraksha Sanhita 2023

And

In Re : Pradip Kumar Chakraborty petitioner

Mr. Kaushik Chowdhury

..... for the petitioner

1. Petitioner submits her mother was not residing with him but was residing with another son. On this score he assails the order of interim maintenance.

2. Right to maintenance of a mother germinates from the relationship and not her residence with her son. It is open to the mother to choose the son from whom she would claim maintenance.

3. It is argued that she has been set up by a rival sibling. This issue does not go to the root of jurisdiction of the court to entertain an application for maintenance. That apart, amount of maintenance of Rs. 4000/- p.m is paltry.

4. In such view of the matter I do not find any reason to entertain with the impugned interlocutory order.

5. All issues may be agitated before the magistrate during hearing of final application.

6. With this observation petition is disposed of.

(Joymalya Bagchi, J.)