

20.02.2025.
03.
Ct.No.28.
as

C.R.R. 3854 of 2024

In Re:- An application under Sections 528/438 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

In the matter of : **Anirban Basu.**

.... Petitioner.

1. Petitioner-husband has assailed judgment and order dated 06.06.2024 in Misc. Case No.2 of 2020 passed by the learned Principal Judge, Family Court, Calcutta directing payment of maintenance at the rate of Rs.4,000/- to the opposite party-wife and minor daughter and litigation cost of Rs.5,000/-.
2. Petitioner was married to opposite party-wife on 02.02.2009 as per Special Marriage Act. Opposite party alleged she was subjected to torture by the petitioner and in-laws and she compelled to leave the matrimonial home on 22.02.2010. Thereafter, she returned to her matrimonial home in January, 2012 and a daughter was born to the couple in August, 2012.
3. However, torture continued and unable to bear it opposite party-wife took refuge at her paternal home with the minor child. The child is a student at St. Margarete School and it is claimed her educational expenses run to Rs.7,000/- per month. Opposite party-wife claimed petitioner is a Manager of a Jute Mill and earns Rs.50,000/- per month. Affidavit of assets was disclosed by the parties. In the affidavit of asset, petitioner

claimed he is employed at a monthly salary of Rs.13,821/- and has a general expenses of Rs.6,000/-. He is to take care of his aged mother.

4. Upon balancing the requirements of the opposite party-wife and a growing child including her educational expenses with the earning capacity of the petitioner and his general expenses towards himself and his dependent mother, Magistrate directed payment of Rs.4,000/- per month as maintenance towards the opposite party-wife and the minor child as well as litigation cost of Rs.5,000/- payable in two instalments.

5. Quantum of maintenance is commensurate to the needs of the opposite party-wife as well as the minor school going child and takes into consideration the income and general expenses quoted by the petitioner in his affidavit of assets.

6. Hence, I do not find any illegality or impropriety in the order.

7. Accordingly, the revision petition is dismissed.

8. Urgent Xerox certified copy of this order, if applied for, be given to the learned Advocate for the petitioner on usual undertaking.

(Joymalya Bagchi, J.)

