

01.12.2025
M/L Nos.1-2
Court No.6
(gc)

CO 3950 of 2025

Sumit Verma

Vs.

Smt. Moumita Verma nee Ghatak

With

CO 4108 of 2025

Smt. Moumita Verma nee Ghatak

Vs.

Sumit Verma

Mr. Sounak Bhattacharya,

Ms. Bipasa Bhattacharyya

...for the Petitioner
in CO 3950 of 2025 and
...for the Opposite Party
in CO 4108 of 2025.

Mr. Debjit Mukherjee,

Mr. Kaustav Bhattacharya,

Ms. Priyanka Jana

....for the Petitioner
in CO 4108 of 2025 and
...for the Opposite Party
in CO 3950 of 2025.

1. Both the revisional applications arise out of the same order passed by the learned Additional District Judge, 1st Court, South 24-Parganas at Alipore in Misc. Case No.379 of 2024. By the order dated September 9, 2025, the learned Court directed maintenance pendente lite to be paid by the husband to the extent of Rs.15,000/- per month for the wife and Rs.25,000/- per month for the minor daughter. The amount was payable

within the 10th day of each succeeding month by bank transfer to the wife's account, details of which were to be provided by the wife. Litigation cost of Rs.50,000/- was also directed to be paid within 45 days from the date of that order.

2. Mr. Sounak Bhattacharya, learned Advocate appears on behalf of the husband who is the petitioner in CO 3950 of 2025. Mr. Bhattacharya submits that award of maintenance of Rs.15,000/- to the wife is contrary to the settled principles. The wife earns more than the husband. As such, she is not entitled to maintenance pendente lite. The husband does not raise any question with regard to the maintenance granted to the minor daughter.
3. Mr. Debjit Mukherjee, learned Advocate appears for the petitioner/wife in CO 4108 of 2025. He submits that, the order impugned suffers from various irregularities. First of such irregularity being that the maintenance has been granted from the date of order and not from the date of the application. He further submits that the husband's income is higher than the wife and, as such, the wife is entitled to maintenance.
4. I have heard the rival contentions of the parties. The court found that, the wife is employed as an Area Sales Manager at the HDFC Bank Ltd. and has a net monthly income of Rs.1,50,000/-. The

Court recorded that the wife was struggling to meet the heavy burden of the day-to-day expenses, including rent, groceries, school fees, and the recurring medical expenses, of the minor daughter. The husband was employed as a Regional Head in Kotak Mahindra Bank Ltd. and has an estimated income of Rs.2,50,000/- per month. The Court was of the view that the income of the wife was insufficient for a comfortable life and some extra money would be necessary to provide for the educational and medical expenses of the child and for looking after the wife's aged parents. As the husband was in a better financial position, maintenance pendent lite was awarded both to the wife and the child.

5. First and foremost, the law does not impose any liability on the husband to support the wife in the maintenance of her parents. Secondly, both the parties who have reasonably high income are liable to meet the expenses of the child jointly. Thirdly, the Court did not come to a finding as to the expenses incurred for the child by the wife or for the child as a whole. Without such calculation, it was unfair on the part of the Court to hold that the wife needed an additional amount of Rs.15,000/- as a support, to run the family and look after the child.

6. Under such circumstances, the decision with regard to grant of Rs.15,000/- per month to the petitioner/wife is set aside. The remaining part of the order remains unaltered. The husband has categorically submitted before this Court in the presence of the learned Advocates, that he will invest an approximate amount of Rs.10,00,000/- upon sale of the stocks and investments. For the time being, he will create an independent provision for the minor child by way of an auto renewable interest bearing fixed deposit in HDFC Bank, Central Avenue Branch. Thus, the wife's prayer for some additional amount for the child is taken care of.
7. Let such investment be made in the name of the minor child, within a month from date. The amount shall be used exclusively for the child's education and other emergent expenses.
8. Under such circumstances, the anxiety of the wife that additional medical expenses or other enhanced expenses cannot be met by her is at present put to rest.
9. This Court further directs that, maintenance *pendente lite* in favour of the child at the rate of Rs.25,000/- per month should be paid from the date of the application filed by the wife and not from the date of the order. The order impugned is modified accordingly.

10. The arrear maintenance on and from July 1, 2024 till November, 2025, shall be liquidated in four equal monthly instalments. First of such instalment will be paid with the maintenance *pendente lite* for the month of December, 2025 within December 10, 2025 by RTGS, to the account of the wife. The details of the account shall be supplied to the husband, if it has not already been supplied.
11. The next three instalments shall be paid along with maintenance for the months of January, February and March, 2026 within 10th of each month. Thereafter, the monthly maintenance shall be continued to be paid within 10th of each month. In case of default, the wife will be entitled to take steps in accordance with law.
12. This order is restricted to the adjudication of the dispute arising out of the order of maintenance *pendente lite* and this Court does not make any comment on how the learned Court decides all the issues at the final hearing of the suit.
13. The school fees will not be deducted from the father's account anymore. The fees already paid shall not be adjusted from the maintenance.
14. Accordingly, both the revisional applications are disposed of.
15. There shall be no order as to costs.

16. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)