

IN THE HIGH COURT AT CALCUTTA
CRIMINAL REVISIONAL JURISDICTION

Present:-

THE HON'BLE JUSTICE CHAITALI CHATTERJEE (DAS)

CRR NO.4393 of 2023

ANJANA BISWAS NEE DAS
VS.
THE STATE OF WEST BENGAL & ANR.

For the Petitioner : Mr. Debasis Kar, Adv.

**For the Opposite
Party No.2 : Ms. Shahina Haque, Adv.,
Ms. Ayesha Hussain, Adv.**

Last heard on : 19-12-2025.

Judgement on : 19-12-2025.

Uploaded on : 22-12-2025.

CHAITALI CHATTERJEE (DAS), J. :-

1. This revisional application has been filed challenging the order passed by the learned appellate Court being the Additional Judge, Fast Track, 3rd Court, Barrackpore, 24-Parganas (North) in Criminal Revision No.265 of 2022 on August 24, 2023 whereby the order passed by the learned Magistrate for awarding Rs.4000/- per month as maintenance towards the minor daughter has been affirmed.

- 2.** A proceeding under Section 125 was filed by the petitioner who herself is a service holder working for gain as Sub-Inspector and her net income is approximately Rs.50,550/- per month as found from her salary slip handed over by the learned advocate appearing on behalf of the husband.
- 3.** It is submitted by the learned advocate for the petitioner that the minor child is now aged about five years approximately and is a school going child and to maintain the child, approximately Rs.20, 000/ is required for her school fees and other daily requirement and it would be difficult for the mother if she has to bear all the expenses. It is further submitted that the father is also a Constable having an income of approximately Rs.50, 000/- per month. Therefore, it is also the responsibility of the husband to maintain the child. Learned Advocate for the petitioner, accordingly, prayed for enhancement of the maintenance amount granted by the learned Magistrate.
- 4.** Learned appellate court affirmed the amount of maintenance granted by the learned Magistrate directing the husband to pay Rs.4000/- per month as maintenance to the child and did not entertain the appeal preferred by the wife for enhancement of the said amount.
- 5.** Learned advocate for the Opposite Party no.2/husband, on the other hand, raises objection and submits that the petitioner has not placed before this Court the correct fact as in connection with a proceeding under Section 26 of the Hindu Marriage Act in a suit MAT Suit No.570 of 2020 pending for a decree of divorce, an amount of Rs.5000/- has been granted and considering this amount of Rs. 4000/- being paid by the husband directed him

to pay Rs 1000/- in addition to Rs 4000/-.Therefore, the opposite party/husband is now paying Rs.5000/- per month towards the maintenance to the minor child. That apart, towards arrear maintenance he is directed to pay further sum of Rs.1000/- per month totaling to Rs.6, 000/- per month being paid by the husband. The money receipts are being filed in order to substantiate the same. Learned advocate for the husband also produced the certified copy of the order of the learned Additional District Judge, Fast Track 3rd Court, Barrackpore, and North 24 Parganas, dated July 06, 2024.

- 6.** Having heard the learned counsels and going through the materials the factum of marriage and/or the paternity of the child are found not in dispute. It is the settled proposition that the both the parents are equally responsible to maintain the child according to their respective status. Admittedly, the child is now a school going child and studying at class-V and definitely in view of the present scenario and the day-to-day expenses, a decent amount is required for her maintenance. It is also admitted that both the parents are earning and holding responsible post and it is expected that both the parents are equally affectionate towards the child and would ensure best education and other amenities in favour of the child for her upbringing .The factum of payment of Rs 6000/- by the husband is not disputed however submits that is not sufficient to meet up all her expenses .In fact the learned advocate of the petitioner did not divulge before the court about such enhanced maintenance. Presently, the husband is paying Rs.6,000/- per month. In terms of the celebrated decision of Rajnesh vs Neha the Hon'ble Apex Court after taking

note of the different order of maintenance passed in connections with different proceedings in connection with the family disputes, held all the amounts passed must be clubbed together and considered while considering the total quantum of maintenance to be granted either to the wife or the child.

- 7.** Considering that and the other factors, this Court is of the view that the issue will be set at rest if the husband is directed to pay an amount of Rs.2000/- in addition to what he is paying, that is Rs.5000/- per month, towards the maintenance of the minor child. The husband will further continue to pay Rs.1000/- towards arrear amount as directed by the Learned Court till the arrear amount at the rate of Rs. 5000/- is exhausted/fully paid. It is made clear that the amount of Rs. Rs.2000/- to be paid from the date of this order along with the amount of Rs.6000/- which is to be paid within tenth of each succeeding English month. In default the petitioner will be at liberty to the same in the execution proceeding.
- 8.** In view of the same, this revisional application stands disposed of. The order passed by the learned appellate court is modified as above.
- 9.** All parties shall act on the server copies of this judgment duly downloaded from the official *website* of this Court.
- 10.** Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

[CHAITALI CHATTERJEE (DAS), J.]