

Item No. 12
12.12.2025
Court. No. 6
GB

C.O. 4093 of 2025

Smt. Sutapa Sarkar nee (Das)
Vs.
Somkanti Sarkar

*Mr. Rahul Karmakar,
Mr. Soumojit Saha*

...for the Petitioner.

*Mrs. Shohini Chakraborty,
Ms. Prajaaini Das*

...for the Opposite Party.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The petitioner is aggrieved by an order dated October 29, 2025, passed by the learned Additional District Judge, Fast Track, 1st Court at Alipore in Misc. Case No.8 of 2021, which arose out of Matrimonial Suit No.2449 of 2019.
3. By the order impugned, the learned court directed the opposite party to pay a sum of Rs.20,000/- per month to the petitioner towards the maintenance of the minor daughter. The direction was to take effect from the date of filing of the application. It was further clarified that the total amount payable towards the maintenance of the child would be inclusive of any amount directed in any other proceeding and shall not exceed Rs.20,000/-. The arrears were directed to be liquidated in 12 equal monthly instalments.
4. Mr. Karmakar, learned advocate for the petitioner/wife submits that the monthly expenditure of the child is more than Rs.70,000/- and the learned

court ignored the break up which had been submitted by way of an affidavit-of asset, and granting a meagre amount of Rs.20,000/-. It is further submitted that the wife does not have a steady income and whatever she earns, is spent for her own expenses. The child is 15 years old. The educational expenses are exorbitant. Apart from the educational expenses, expenses for extracurricular activities should also be factored in. This was not done by the learned court and as such, the amount awarded should be enhanced by this Court.

5. Mrs. Chakraborty, learned advocate for the opposite party/husband submits that the affidavit-of-asset would indicate that the expenses of the child as enumerated by the wife was Rs.30,000/-. The wife had disclosed a bank account in her name, but the details thereof were absent. She had suppressed her income.
6. The court has found that the wife had approached the court with unclean hands. Thus, the wife who has an income, should also bare part of the expenses of the child.
7. Having considered the rival contentions of the parties, this Court finds that the learned court had considered the statement of assets of the husband. Income of Rs.1,22,000/- per month had been disclosed. The husband was employed as the Regional Business Manager of Cholamandalam Securities Limited. He

had furnished the pay slip which showed that his gross monthly salary was Rs.1,45,656/- for the month of June 2022, which carried a deduction of Rs.23,459/-. The court found that expenses were incurred by the opposite party towards school fees, which were transferred by NEFT. The records generated upon payment of school fees did not demonstrate that those were paid in cash. Thus, the wife's contention that she had borne expenses of the school fees of the child, was not believed by the court. The husband had been successful in demonstrating before the court that the petitioner was a distributor of mutual fund and also an AMFI registered mutual fund advisor. The documents which were before the court showed remittance of money to the petitioner's savings bank account, which were not disclosed in the statement of assets and liabilities. Neither such documents nor the submissions by the husband were refuted by the wife. Upon coming to a specific finding that the wife had approached the court with unclean hands and had suppressed her income, the learned court proceeded to deal with the expenses for the minor child. It was held that, the child should not be made to suffer as a consequence of the petitioner's misconduct.

8. Considering the above factors, the learned court directed Rs.20,000/- to be paid to the child towards her maintenance along with all arrears from the date

of filing of the application. Arrears were directed to be liquidated in 12 equal monthly installments.

9. On the facts which have been narrated in detail, I do not find any illegality in the order impugned. It is well-settled that if both parents have an income, they are jointly liable to maintain their child. This is in consonance with the concept of co-parenting. The statement of assets and liability of the wife indicates that the expenditure of the child is Rs.30,000/-. The court directed the father to bear major part of the expenses i.e. Rs. 20,000/- per month out of the total expenditure of Rs. 30,000/-. The calculation handed over by Mr. Karmakar to this Court for the first time, was not before the learned trial judge. Thus, the question of enhancement cannot be decided by this Court. The law provides an opportunity to the wife, to claim an enhancement in the event circumstances changes. If the situation so arises, the wife is always at liberty to approach the learned trial judge for enhancement, in accordance with law. At present no such case had been made.
10. Accordingly, the application is disposed of.
11. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)