

18.08.2025
Item No.23
BR

CO 4011 of 2024
Kaushik Das
-vs-
Susmita Dey Das

Mr.Subir Sanyal,Sr. Adv.,
 Mr. Shohom Sanyal,
 Mr. Souvojit Mukherjee
 ... for the petitioner

1. The civil revision has been preferred challenging the order No. 19 dated 06.07.2024 passed by the learned Additional District Judge, 3rd Court, Paschim Medinipur, Additional District & Sessions Judge, 3rd Court , Paschim Medinipur in J. Misc. Case No. 08/2022 in connection with Mat. Suit No. 397 of 2022 whereby the Learned Judge awarded Rs. 10,000/- (Rupees Ten Thousand) per month as maintenance in favour of the opposite party/wife with effect from the date of filing, i.e. from 24.06.2022 and litigation cost of Rs. 10,000/- (Rupees Ten Thousand).
2. On hearing the learned counsel for the parties, it appears from the order under challenge that the opposite party/wife in her affidavit of assets

and liabilities has stated that she has no independent source of income and that her husband earns Rs. 40,000/- per month. The petitioner/husband in his affidavit of assets has stated that he earns Rs. 30,944/- per month.

3. The trial Court considering the same vide the order under challenge dated 6.7.2024, granted interim maintenance of Rs. 10,000/- per month till disposal of the Matrimonial Suit.
4. In course of hearing before this Court, the opposite party/wife in her affidavit-in-opposition at page 12 has filed a income certificate which prima facie shows that she earned around Rs. 8,917/- in July 2024, that is when the order under challenge was passed.
5. It is submitted by the petitioner that the said fact was suppressed by the wife, who stated on affidavit that she has no independent income and as such the Court directed the petitioner/husband to pay maintenance of Rs. 10,000/- till disposal of the Mat. Suit. The petitioner submits that as such he has been severely prejudiced as even though the wife has an independent source of income, he has been

directed to pay Rs. 10,000/- per month as the said relevant fact was not disclosed before the Court and false statement as to income was made on affidavit, thus causing prejudice to the petitioner.

6. Copy of the pay slip for the month of October, 2024 shows that the petitioner/husband earned Rs. 34,000/- in October, 2024 salary. As such, an affidavit of assets was filed by the petitioner/husband stating that he was earning around of Rs. 30,944/- per month when the matter was taken up for hearing is correct (July, 2024).
7. Considering the said facts this Court finds that prima facie the wife did not disclose her income in her affidavit of assets and the same being suppressed has caused prejudice to the petitioner.
8. The said document (income certificate) has been placed by the opposite party in her affidavit- in-opposition and as such the Trial Court matter is remanded to consider the same as part of wife's affidavit of assets and liabilities and rehear the matter of interim maintenance on the basis of the said document and on hearing the parties, pass a reasoned

order, taking into consideration the income certificate of the wife.

9. The trial Court shall make all Endeavour to dispose of the said application for interim maintenance within 60 days from the date of this order.
10. The petitioner shall continue to pay the maintenance as directed till disposal of the application under Section 24 of the Hindu Marriage Act afresh.
11. CO 4011 of 2024 stands disposed of.
12. Urgent Photostat certified copy of this order, if applied for be given to the learned counsel for the parties on usual undertakings.

(Shampa Dutt (Paul), J.)