

06.05.2025
Item No. 35
Ct. No. 30
Aloke

CO 4052 of 2024

**Prabir Mistry alias Prabir Kumar Mistry
Vs
Ishani Mistry**

Mr. Sourav Mondal
Mr. Rony Mondal
Mr. Archan Dutta
Mr. Arijit Bhuniya
... for the petitioner

Mr. Debanshu Ghorai
... for the O.P./wife

The present civil revision has been preferred against an order no. 37 dated 06.08.2024 passed in Miscellaneous Case No. 184 of 2022 by the learned 13th Additional District Judge, Alipore, South 24 Parganas.

Vide the order under challenge the Additional District Judge, 13th Court at Alipore directed monthly maintenance of Rs.8,000/- to be paid in the MAT Suit till its disposal.

The Court was not satisfied with the salary slip of the husband and also took into consideration that a sum of Rs.2,500/- per month is being received by the wife from the petitioner in a proceeding under Section 125 Cr.P.C.

The petitioner/husband's case is that he **works under a Cable Operator** and earns only Rs.8,000/- per month.

On the other hand, from the copy of the affidavit of assets and liabilities filed before the learned Magistrate it appears that the wife has stated on affidavit that the petitioner is **a partner in the cable business**. The matter is still sub judice before the learned Magistrate.

Thus, considering the materials on record, the order under challenge dated 06.08.2024 passed by the learned Additional District Judge **is modified** to the extent that the petitioner shall continue to pay interim maintenance of Rs.5,000/- per month **in total**, including the amount being paid under Section 125 Cr.P.C. to the wife till final adjudication in the proceeding under Section 125 Cr.P.C., wherein the affidavits of assets and liabilities shall be taken into consideration by the learned Magistrate.

The said amount of maintenance as directed by this Court shall in no way influence the learned Magistrate in disposing of the application under Section 125 Cr.P.C. on the basis of the materials on record.

The learned Additional District Judge, 13th Court, Alipore, South 24 Parganas is also at liberty to decide the quantum of maintenance considering all these factors at the time of disposal of the matrimonial suit without being influenced by the order passed by this Court for the interim period.

The civil revision being C.O. 4052 of 2024 is disposed of.

There will be no order as to costs.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)