

17.06.2025
Item No.18
Ct. No. 30
Aloke

CO 4080 of 2024

Mridul Kanti Manna
Vs.
Suchinta Manna

Mr. Arup Krishna Das
Mr. Pravas Bhattacharya
... for the petitioner
Mr. Arijit Dey
... for the opposite party

Learned counsel for the petitioner has filed supplementary affidavit annexing a copy of the affidavit of assets filed before the trial Court and copies of receipts showing that the order dated 07.05.2025 passed by this Court has been duly complied with.

In the present revisional application the petitioner/husband has challenged the order granting monthly maintenance to the wife and child passed by the learned Additional District Court, Special Court, Paschim Medinipore in Misc. Case No. 17 of 2019 which arises out of a matrimonial suit.

The Court considering the materials on record including the affidavit of assets and also keeping in mind that the husband/petitioner is a computer diploma holder, who used to work as a computer operator and that he resides with his parents in a double storied house, where there is a kerosene dealership and husking mill being run and the husband's mother being a teacher, granted a sum

of Rs.9,000/- per month to the wife and a further sum of Rs.9,000/- payable to the minor son.

This Court passed an interim order on 07.05.2025 keeping in mind that the total maintenance being received by the opposite party/wife amounts to Rs.28,000/- in all, which has been granted under Section 24 of the Hindu Marriage Act and also under the Domestic Violence Act.

This Court considering all the facts and circumstances directed the husband/petitioner herein to pay a total sum of Rs.20,000/- till disposal of the revisional application.

Considering the said facts and the materials on record and the fact that the parties before the trial Court could not prove that the petitioner/husband had any substantial employment even though he is an able bodied person, and also the said fact that the child is now aged about 14 years, the civil revision is disposed of with the direction that the total amount of maintenance shall be a total sum of Rs.25,000/-. Rs.10,000/- being paid in the proceeding under the Domestic Violence Act and a total sum of Rs.15,000/- to be paid in the matrimonial suit. Rs.10,000/- for the child and Rs.5,000/- for the wife.

The petitioner is thus directed to continue paying a sum of Rs.25,000/- to the wife, until further orders are passed at the time of final disposal of the matrimonial suit and disposed of the case under the

Domestic Violence Act. Both the Courts should decide the quantum of total maintenance received by the wife keeping in mind the judgment of the Hon'ble Supreme Court in ***Rajnesh vs. Neha (2021) 2 SCC 324.***

Let a copy of this order be sent to the trial Courts, for information.

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.)