

21.02.2025
Ct. No. 30
S.L No.25
SM

CO 4083 of 2024
Suman Kumar Show Mondal
Vs
Sumana Show Mondal

Mr. Subrata Bhattacharyya
Ms. Shipra Santra
.....for the petitioner

Mr. Souvik Das
.....for the opposite party

The present revisional application has been preferred against an Order No. 15 dated 09.08.2024 passed by the learned Additional District Judge, 2nd Court, Durgapur, Paschim Bardhaman in Misc Case No. 09 of 2022 under Section 36 of the Special Marriage Act, 1954.

By the order under revision the learned Trial Judge in a matrimonial suit initiated by the husband directed payment of amount of Rs. 18,000/- to the wife/O.P. While directing the said payment the Court considered the fact that a sum of Rs. 12,000/- was already being paid in a proceedings under the Domestic violence Act which the Court directed would be set off and adjusted against the total amount as granted by the Court.

Learned counsel for the petitioner/husband submits that he is aggrieved that the payment has been directed from the date of filing.

It appears that the said direction has been passed by the Court keeping in mind the guidelines of the Hon'ble Supreme Court in such proceedings.

It is further submitted that as the petitioner/husband is already paying the amount as directed in the proceedings under the Domestic Violence Act, the same has to be adjusted against the arrears.

Documents show that the petitioner husband's gross pay is Rs. 87,578/-.

This Court finds that the amount of maintenance granted in other proceedings has been taken into consideration and due total amount of Rs. 18,000/- granted is no unreasonable and thus does not require the interference of this Court.

The Civil Revision is accordingly **disposed of** with the direction that the Court shall take into consideration, the amount already paid by the petitioner in the domestic violence case, while assessing the arrear amount due to the opposite party.

Applications, if any, connected thereto stand disposed of consequently.

Interim order, if any, stands vacated.

Let a copy of this order be sent to the Trial Court at once.

Photostat certified copy of this order, if applied for, being given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]