

Court No. 6
(265719)

08.09.2025
(A 76)
(S. Banerjee)

CO 4429 of 2024

Kalpana Saha @ Roy
Vs.
Supravat Saha

Mr. Suva Gayen

...for the petitioner

After the entire list was called, Mr. Gayen, learned advocate for the petitioner mentioned this matter citing grave urgency.

In view thereof, this matter is taken up on the request made by Mr. Gayen.

This application under Article 227 of the Constitution of India is at the instance of the wife and is directed against an order dated September 4, 2024 passed by the learned Additional District Judge 16th Court at Alipore in Matrimonial Suit No. 182 of 2013. By the order impugned the application filed by the wife/petitioner herein praying for enhancement of alimony pendente lite stood rejected.

Learned advocate appearing for the petitioner submits that the petitioner was awarded alimony pendente lite of Rs. 3,000/- as far back as on September 7, 2015 and due to rise of price index and

of all commodities and the cost of living, the alimony pendente lite should be enhanced.

After going through the materials on record this court finds that the learned trial judge took note of the fact that at the relevant point of time when an order of grant of alimony pendente lite was passed, the income of the husband/opposite party was Rs. 17,865/- from salary. The learned trial judge further noted that presently the husband/opposite party herein has an earning from pension of Rs. 18,556/-. The learned trial judge also took note of the fact that the husband/petitioner paid a sum of Rs. 6,885/- on account of fees for the journalism course pursued by the son and is also paying the municipal tax. Apart from that the wife/petitioner herein is also enjoying an additional amount of Rs. 4,000/- per month towards the maintenance in a different proceeding. The learned trial judge after considering the materials on record, applied the correct legal test for deciding an application for enhancement of alimony pendente lite. The petitioner herein could not demonstrate that the income of the opposite party increased substantially from 2015 till date.

In view thereof, this court is not inclined to interfere with the alimony pendente lite.

From the impugned order it appears that November 19, 2024 was fixed for argument of the matrimonial suit.

In the event the matrimonial suit is still pending, the learned Additional District Judge, 16th Court at Alipore is requested to make an endeavour to dispose of the same as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

(Hiranmay Bhattacharyya, J.)