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04.03
2025
Ct. No. 3

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction

C.R.R. 99 of 2025
Mina Ghosh & Anr.
Vs.
Sanjay Ghosh

Mr. Arik Banerjee
Mr. Jayjit Dutta
Mr. Bikash Singha

...For the Petitioners

This application has been preferred assailing the order dated 27th February, 2019 passed by the learned Judicial Magistrate, 2nd Court, Jalpaiguri in Misc. Case No. 27 of 2017. By the order impugned, learned Court below granted interim maintenance of Rs. 3,500/- each for herself and her daughter from the date of filing of the application.

The Petitioners herein being aggrieved by that order contended that the opposite party/husband is a Central Government Employee and working in Indian Railways Engineering Department in the capacity of Gateman and considering his monthly salary the amount granted by the Court below is a meager amount and not sufficient for the maintenance of the petitioner and her minor female child.

It is further submitted that the order was passed in the year 2019 and therefore the directions made by the Hon'ble Apex Court in the case of *Rajnish Vs. Neha*, reported in AIR 2021 SC 569, has not been followed.

Since, the order going to be passed by this Court, will not cause prejudice to the opposite party/husband, the service of copy of the application upon the opposite party is dispensed with.

It is admitted position in the present context that the Court below has passed the order of interim maintenance without considering about the existing assets and liabilities of the parties. In view of the judgment delivered in the case of *Rajnish Vs. Neha (Supra)* it has now become mandatory law of the land that the parties are to file affidavit of assets and liabilities, in order to determine the prayer for maintenance or interim maintenance, as the case may be. In such view of the matter, the order impugned dated 27th February, 2019 is hereby set aside.

Both the parties are directed to file their affidavit of assets and liabilities in the format given in the case of *Rajnish Vs. Neha (Supra)* within a period of thirty days from the date of communication of this order and on filing such affidavit of assets and liabilities by both the parties, the Court below will determine the quantum of interim maintenance afresh within a period of six weeks thereafter, without being influence by any observations made herein.

The opposite party/husband will go on paying the amount of Rs. 3,500/- each to the petitioner and her minor female daughter within 10th day of each succeeding month as per English Calendar month from 23.2.2017 till disposal of the interim maintenance application afresh by the Court below.

With the aforesaid observations, the application, being C.R.R. 99 of 2025 thus stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be

given to the parties, on priority basis, upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)