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**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Civil Revisional Jurisdiction**

CO 67 of 2025

**Jagadish Sharma
-versus-
Progoti Sharma (Mitra)**

Mr. Satyam Sarkar

... for the petitioner.

Mr. Gopal Sah,
Ms. Lav Das

...for the opposite party.

This is an application by the husband assailing the order dated 6th February, 2025 passed in an application under Section 24 of the Hindu Marriage Act, 1955 made by the opposite party-wife. It appears from the said order that in the cross-examination, the petitioner (husband) has admitted that the opposite party (wife) is unemployed and the petitioner's (husband's) father-in-law has also died. In cross-examination, the petitioner has also admitted that he is an Assistant Teacher and his present salary is Rs.41,000/- per month. The petitioner has also acknowledged in cross-examination that since 2020 he has not provided any maintenance to his wife-opposite party.

In this background, the learned trial court has directed a sum of Rs.10,000/- per month to be paid to the wife as maintenance *pendente lite*. The order has

also provided for payment of Rs.5,000/- to the opposite party-wife as litigation cost.

The petitioner says that under Section 125 of the Code of Criminal Procedure (in short, "Cr.P.C"), 1973, the petitioner has been directed to pay a sum of Rs.5,000/- per month on account of maintenance to his wife. The learned trial court did not take into account this amount while directing payment of Rs.10,000/- as maintenance *pendente lite*. This fact, according to the petitioner, is contrary to the ratio laid down in (2021) 2 SCC 324 (Rajnish vs. Neha & Anr.).

After considering the objection filed by the petitioner (husband) before the trial court, I do not find this point has been taken by the husband before the trial court. In any event, Rs.15,000/-(Rs.5,000 + Rs.10,000) is a reasonable and fair amount in the facts of the case and the materials placed before the Court. Keeping in mind the present market rate, particularly when the petitioner is an Assistant Teacher is liable to maintain his wife in a befitting condition. The wife is admittedly unemployed and does not have her father's support. The husband, being a permanent Assistant Teacher, is admittedly receiving at least Rs.41,000/- per month as salary. The wife as appears from the record is not supported by her father since he is no more. In such situation, if the wife has to stay in an alternative accommodation and sustain herself for the

month a sum of Rs.15,000/- is reasonable, fair and appropriate.

I do not find any infirmity in the order even if it has not taken into consideration the maintenance amount directed to be paid by the petitioner (husband) in the proceedings under Section 125 Cr. P. C. for the reasons as aforesaid.

This revisional application is devoid of merit, and is as such dismissed, however, without any order as to costs.

The petitioner shall pay the amount including the arrears as directed in the order impugned.

(Arindam Mukherjee, J.)