

10.09.2025
Ct. No.3
Sl. No.73
Mujahid

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRR 281 of 2025

Smt. Lalita Teli Sah
Vs.
The State of West Bengal & Anr.

Mr. Sandip Mandal,
Mr. Amit Saha

...for the petitioner

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Sourav Ganguly

...for the State

1. Present petition has been filed challenging the order dated 20th May, 2025 in M.R. Case No.76 of 2024 whereby the learned Judicial Magistrate (4th Court), Siliguri granted interim maintenance to the petitioner no.1 in the sum of Rs.4000/- and Rs.2000/- each for the minor son and minor daughter. The notice has duly been served upon the opposite party no.2 and the learned advocate representing the opposite party no.2 however there is no representation.

2. Learned counsel for the petitioner submits that in the written objections filed by the opposite party, it was admitted that he was already paying Rs.13,000/- per month to the petitioner which includes Rs.3600/- school and tuition fee, Rs.5000/- for ration and Rs.4000/- other expenses. Learned counsel submits that the learned trial court has fallen into an

error by even granting the maintenance lesser than what was being admittedly paid by the opposite party.

3. The court finds substance in the contention of the petitioner. Besides this the impugned order indicates that the learned trial court has not given any reason for arriving at the figure of Rs.8000/- as maintenance to the petitioner and minor children.

4. Perusal of the order also indicates that the court recorded that opposite party is Central Government employee and earning Rs.45,000/- per month. It has also been submitted at bar that the affidavit of income and assets was also not taken from the opposite party.

5. In the circumstances, the impugned order cannot be sustained and the same is set aside. The matter is remanded back to the learned trial court for deciding on the issue of interim maintenance expeditiously within the period of four weeks from the date of communication of this order, after taking the affidavit of income and asset from the opposite party. In the meanwhile the opposite party shall continue to pay to the petitioner as being stated in para 15 of the written objection.

6. The petition stands disposed of.

7. All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)