

**In the High Court At Calcutta  
CIVIL REVISIONAL JURISDICTION  
CIRCUIT BENCH AT JALPAIGURI  
APPELLATE SIDE**

Present:

**The Hon'ble Justice Debangsu Basak**

**CO/141/2025**

**SRI PROMIT BOSE  
VS  
SMT. ANKITA MAJUMDER (BOSE)**

*For the Petitioner :Mr. Amit Kumar Basu, Advocate  
Mr. Bonny Basak, Advocate*

*For the Opposite Party :Ms. Rima Sarkar, Advocate  
Mr. Sidhi Sethia, Advocate*

*Heard & Judgment on: November 18, 2025*

**Debangsu Basak, J.**

1. The revisional application is directed against Order No. 9 dated April 10, 2025 passed by the learned Fast Track Court in Siliguri in Misc. Case No. 10 of 2024.
2. The revisional application is at the behest of the husband.
3. Learned advocate appearing for the petitioner submits that, the learned Judge misconstrued and misapplied the principles relating to grant of maintenance under Section 24 of the Hindu Marriage Act, 1955. He submits that, the Opposite Party did not come with clean hands in her application under Section 24 of the Act of 1955.

He points out that, the parties to the proceedings under Section 24 of the Act of 1955, were required to file declaration of assets and affidavit as to assets. Petitioner duly did so. Petitioner disclosed his monthly income. Opposite Party, however, suppressed her income that she receives by working at a particular place.

4. Learned advocate appearing for the petitioner submits that, the Opposite Party is highly educated. She holds a Master degree in English. She is capable of earning herself. She may work to maintain herself.
5. Learned advocate appearing for the petitioner submits that, the Opposite Party is receiving compensation under the Protection of Women from Domestic Violence Act, 2005. He contends that, a lady cannot approach different fora for the purpose of receiving compensation or alimony or maintenance on one pretext or the other by invoking the provisions of the Act of 1955 or the provisions of the Criminal Procedure Code or the provisions of the Act of 2005. The quantum of maintenance imposed by the impugned order requires reworking.
6. Opposite Party is represented.
7. Marital status of the parties before Court is admitted. Parties are married to each other.
8. Opposite Party approached the fora under the provisions of Act of 2005. She was directed to receive and the Court is informed that she is receiving Rs.25,000/- per month in terms of the order passed under the Act of 2005.
9. Opposite Party also filed an application under Section 24 of the Act of 1955. Such application was taken up for consideration and decided by the order impugned.

10. The impugned order proceeds to take note of the assets declared by both the parties.
11. It is admitted by the petitioner that the petitioner is presently working at France and is drawing a monthly salary equivalent to Rs.3,30,000/- per month converted to the Indian currency.
12. Documents disclosed in the proceedings under Section 24 of the Hindu Marriage Act show that the opposite party is receiving a sum of Rs.25,000/- per month in terms of the order passed under the Act of 2005. Independent income of the Opposite Party is yet to be established.
13. The income of the petitioner, therefore, is Rs.3,30,000/- per month.
14. Usually the spouse without employment is granted  $\frac{1}{3}^{\text{rd}}$  of the family income as maintenance. Accepting amount of maintenance that is granted is  $\frac{1}{3}^{\text{rd}}$  of the family income,  $\frac{1}{3}^{\text{rd}}$  of Rs.3,30,000/- will be Rs.1,10,000/- per month.
15. The Opposite Party is receiving a sum of Rs.25,000/- per month in terms of the order passed under the Act of 2005. Such sum of Rs.25,000/- should be deducted from the aggregate of sum of Rs.1,10,000/- per month which the Opposite Party is entitled to receive from the petitioner for her maintenance. Consequently, in the proceedings under Section 24 of the Hindu Marriage Act, the Opposite Party is entitled to receive a sum of Rs.85,000/- per month.
16. Contention with regard to approach to different fora for the purpose of receiving maintenance or compensation, as advanced on behalf of the petitioner, is of no consequence. It is the family income which is taken into consideration. Opposite Party is without any income of her own. She is not working presently. The family

income is therefore Rs.3,30,000/- per month. It is out of the total family income that the amount of maintenance is directed to be paid. The quantum of maintenance ultimately receivable by the spouse applying for maintenance is largely  $1/3^{\text{rd}}$  of the family income.

17. In such circumstances, the impugned order which directs a maintenance of Rs.50,000/- per month to be paid to the petitioner is modified. The petitioner will proceed to pay a sum of Rs.1,10,000/- per month in aggregate which will include sum of Rs.25,000/- per month payable under the Act of 2005 to the Opposite Party and a sum of Rs.85,000/- per month under the Act of 1955. Payment under the Act of 1955 will commence from the month in which the application under Section 24 of the Act of 1955 was filed before the Trial Court.

18. CO/141/2025 is **disposed of** accordingly.

**(Debangsu Basak, J.)**