

S/L 5
06.01.2025
Court. No. 3
Suvayan

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CO 231 of 2024

**Sri Asim Das
Vs.
Smt. Jayasree Das (Saha)**

*Mr. Nabankur Paul
Ms. Sutapa Sen Paul
Ms. Bedasruti Bose
Md. Apzail Ansari*

...for the petitioner.

1. In this revisional application as filed under Article 227 of the Constitution of India the Order No. 37 dated 11.06.2024 as passed by learned Additional District Judge, 2nd Court, Siliguri in Mat. Suit No. 414 of 2018 is impugned.
2. By the said impugned order learned Trial Court while disposing an application under Section 24 of the Hindu Marriage Act directed the plaintiff/husband of Mat. Suit No. 414 of 2018 to pay *alimony pendente lite* at the rate of Rs. 14,500/- per month for his wife and her five and half years old daughter. The husband who is the plaintiff of Mat. Suit No. 414 of 2018 is aggrieved with the quantum of the *alimony pendente lite* and thus preferred the instant revisional application.
3. In support of the instant revisional application learned Advocate on behalf of the petitioner/husband at the very outset draws attention of this Court to page Nos. 31 and 33 of the instant revisional application. It is submitted that

after passing of the impugned order the petitioner/husband had obtained an employment from which he used to earn Rs. 15,000/- per month. It is further submitted that while passing the impugned order learned Trial Court failed to visualize the actual income of the present revisionist/husband and thus awarded a sum in favour of the opposite party/wife which is exorbitant and the present petitioner/husband is not capable of paying the same.

4. This Court has given anxious consideration over the submission of the learned Advocate for the petitioner/husband. This Court has minutely perused the impugned order as passed by the learned Trial Court.
5. On careful consideration of the entire materials as placed before this Court it appears that from the affidavit of asset and liability as submitted by the opposite party/wife before the learned Trial Court it would reveal that her monthly expenses is Rs. 12,500/- and that she has got no independent source of income.
6. It has also been stated by the wife that her husband that is the petitioner herein is a commerce graduate and he uses to run a computer shop in the name and style of "Supreme Infotech".
7. Before the Trial Court such assertion was denied and disputed by the husband and in his affidavit of asset

and liability the husband had stated that his income was Rs. 10,000/- per month while his expenses about Rs. 16,000/- per month. Learned Trial Court while passing the impugned order noticed such discrepancy by holding that a person's expenses cannot be more than his income and thus disbelieved the case of the husband.

8. It appears to this Court that the learned Trial Court's finding with regard to the alleged discrepancy of income and expenditure is perfectly justified.
9. It further appears to this Court that it is undisputed that for some reason or other the opposite party/wife herein is living in separation with her minor daughter. It is also undisputed that the opposite party/wife herein has got no independent income of her own at all. It further appears that the amount as awarded by the learned Trial Court that is Rs. 14,500/- per month towards *alimony pendente lite* is very much just and proper for living a decent life for the opposite party/wife and her minor daughter.
10. Considering the entire circumstances this Court find no reason to interfere with the order impugned. This Court considers that the instant revisional application has got no merit at all and is this dismissed.

11. With the aforementioned observations, the instant revisional application being **CO 231 of 2024** is hereby disposed of.
12. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)