

25.03.2026
Ct. No. 30
S.L. No. 26
SM

CO 68 of 2021
With
IA No.: CAN 1 of 2025
Tirtha Sarathi Adhikary
Versus
Soma Adhikary

Mr. Aritra Basu
Mr. Arka Banerjee
.....for the petitioner
Mr. Anita Khatri
.....for the respondent/wife

- 1.** CAN 1 of 2025 is an application for modification of the interim order in the present revisional application.
- 2.** The revisional application has been preferred challenging an order No. 68 dated 28.02.2020 passed by the learned Additional District Judge, Fast Track Court-II, Howrah in Misc. Case No. 98 of 2015 arising out of Matrimonial Suit No. 343 of 2015.
- 3.** On hearing the learned counsels and on perusal of the impugned order this Court finds that vide the said order the Trial Court had directed a sum of Rs. 10,500/- be paid to the wife/opposite party herein excluding Rs. 12,00/- awarded under Section 125 Cr.PC.
- 4.** In all the amount stood at Rs.12,500/-. Being aggrieved, the petitioner has challenged the said order.
- 5.** At the time of admission of the revisional application, a direction was passed directing payment

of a sum of Rs. 4000/- to be paid to the wife every month vide an order dated 14.01.2021. The Court had taken into consideration the health of the petitioner herein and the fact that the petitioner stated that he was not getting any salary.

6. This Court finds that the impugned order was passed on 28.02.2020 when affidavit of assets and liabilities were not being filed in these proceedings. The judgment of the Supreme Court in ***Rajnesh Versus Neha & Anr., [(2021) 2 SCC 324]*** was passed on 04.11.2020.

7. Considering the fact that the wife/opposite party submits that the husband is now in good health and has produced some pictures before the Court and the fact that the husband denies the same, the guidelines laid down in the judgment of ***Rajnesh Versus Neha & Anr., (supra)*** will assist the Trial Court in coming to a proper finding.

8. Accordingly, the impugned order dated 28.02.2020 is hereby set aside with a direction that the Trial Court shall call for affidavit of assets and liabilities from both the parties and decide the quantum of maintenance afresh.

9. Pending hearing of the maintenance application before the Trial court, the petitioner shall pay a sum of Rs. 10,000/- in all, per month to the opposite party herein, considering that he has a

permanent job with Burdwan Central Co-operative Bank.

10. The quantum of maintenance is subject to the final decision of the Trial Court.

11. Civil Revision stands disposed of.

12. Applications, if any, connected thereto stand disposed of consequently.

13. Interim order, if any, stands vacated.

14. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]