

02.03.2026
Item No.9
Ct. No. 34
nb

CRR 643 of 2026

In the matter of: **Moloy Maity.**

..... Petitioner.

Mr. Gourab Ghosh

....For the Petitioner.

1. The challenge is to the order passed by the revisional Court is for quantum of maintenance, granted by the learned Court of Magistrate concurred by the learned revisional Court.
2. Submission advanced by the learned counsel for the petitioner before this Court that the income of the husband was not ascertained by any of the Court and the amount of interim maintenance has been granted, which is more than half of the monthly salary. In support of his contention, he has annexed Income Tax Return as well as other documents i.e. bank statement.
3. On perusal of the order passed by the learned Magistrate, it can be seen that it was observed by the learned Magistrate that despite giving opportunity, the petitioner did not produce the IT Return before the Court of learned Magistrate. In the order passed by the learned Fast Track, 8th Court was also of the same view. The petitioner did not produce his salary certificate or the Income Tax

Return but, only relied upon the bank statement. According to him, he receive Rs.12,812/- per month. According to the wife/present opposite party, such amount is not less than Rs.40,000/- per month. The petitioner never placed the documents required before the learned Court in order to ascertain his actual income and accordingly, amount of Rs.5,000/- was granted as an interim maintenance before this Court.

4. Learned advocate intends to rely upon the Income Tax Return, which was not placed before the Court of learned Magistrate.

5. Therefore, this Court is not inclined to consider the prayer made before this Court by the petitioner to ascertain his income and to modify the order of interim maintenance as the document filed before this Court, was never placed before the Court of learned Magistrate.

6. Accordingly, the revisional application is not admitted and dismissed.

7. Liberty is given to the petitioner to take all points before the learned Court of Magistrate at the time of final hearing.

8. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(CHAITALI CHATTERJEE (DAS), J.)