

23.06.2026
(D/L-11)
Ct.-06
(NMD)

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

C.O. 497 of 2026

Chandan Shome
-Vs-
Ayusmita Shome

Mr. Chiranjib Sinha,
Mr. Satyam Mukherjee
... for the Petitioner

Mrs. Sohini Chakraborty,
Ms. Prajaaini Das
... for the Opposite Party No.1

1. Affidavit-of-service filed in Court today is taken on record.
2. This revisional application is directed against an order dated January 08, 2026 passed by the learned Additional District Judge, 1st Court at Alipore, South 24 Parganas in Misc. Case No. 396 of 2023 arising out of Matrimonial Suit No. 230 of 2022.
3. Matrimonial Suit No. 230 of 2022 has been instituted by the petitioner praying for dissolution of marriage under Section 13 of the Hindu Marriage Act, 1955. In the said suit, the opposite party filed an application

under Section 24 of the 1955 Act praying for alimony *pendente lite*.

4. The parties filed their respective affidavits of assets and liabilities along with documentary evidence in support of their respective cases.
5. The learned Trial Court has upon considering the material before it reached a conclusion that the petitioner's admitted take home income is Rs. 1, 40, 000/- per month which would enable him to provide maintenance to his wife (i.e. opposite party) and the two minor children of the parties.
6. By the order impugned, the petitioner has been directed to pay a sum of Rs. 25,000/- per month to the opposite party and Rs. 15,000/- per month to each of the two minor children. Feeling aggrieved by such order, the petitioner has approached this Court by filing the present revisional application.
7. Mr. Mukherjee, learned Advocate appearing for the petitioner has placed the opposite party's application under Section 24 of the 1955 Act and submits that the petitioner had been incurring expenses for maintaining the opposite party and the two minor children.

8. It is further submitted that approximately a sum of Rs. 35,000/- per month was being spent by the petitioner towards such expenses.
9. Inviting the attention of this Court to the affidavit of assets and liabilities filed by the opposite party it is submitted that the same would reveal that a monthly expense of Rs. 9,000/- only is being incurred by the opposite party for the purpose of the two children and despite that being the case, the learned Trial Court has directed payment of Rs. 15,000/- per month in respect of each of the two children.
10. He has further submitted that the same affidavit of assets and liabilities filed by the opposite party would reveal that the opposite party is having a monthly net income of Rs. 15,899/-. It is next submitted by Mr. Mukherjee, that the opposite party has used the funds of the petitioner for the purpose of liquidating business loans availed of by the father of the opposite party.
11. He further contends that the opposite party was in possession of a residential flat by reason whereof the petitioner had to rent a residential accommodation. The

learned Trial Court did not pass in order in respect thereof despite it being admitted on affidavit by the opposite party that the opposite party is no longer willing to occupy the said flat.

12. Mr. Mukherjee further submits that the learned Trial Court has not taken into consideration the expenses that the petitioner has thus far been incurring for the purpose of maintaining the opposite party and his two children and the learned Trial Court has directed arrears to be calculated on the basis of the presently awarded sum without making any adjustment of the expenses incurred by the petitioner earlier.

13. Mrs. Chakraborty, learned Advocate appearing for the opposite party invites the attention of this Court to the affidavit of assets and liabilities filed by the petitioner to demonstrate that it stands admitted by the petitioner that the petitioner has been spending a sum of Rs. 32,000/- per month on their two children. It is submitted that if such is the extent of the admitted expenditure then in that case an order granting a cumulative sum of Rs.

30,000/- for the two children cannot be objected to by the petitioner.

14. Inviting the attention of this Court to the reply furnished by the opposite party to the interrogatories put forth by the petitioner in the said Misc. Case, it is submitted that although, earlier the opposite party was earning a sum of Rs. 15, 994/- but the opposite party is no longer with her previous employer and the opposite party is presently earning a sum of Rs. 13, 697/- only per month which is lesser than the earlier income.

15. She next invites the attention of the Court to the affidavit of assets and liabilities filed by the petitioner to demonstrate that it is the petitioner's own case that the petitioner has been incurring expenses to the tune of Rs. 38,000/- per month. Mrs. Chakrabrotty submits that the said figure of Rs. 38,000/- includes an expenditure of Rs. 8,000/- towards rent which if deducted, leaves a sum of Rs. 30,000/- which is spent by the petitioner on his other personal needs. It is submitted that a proceeding under Section 24 of the 1955 Act aims at parity of status of the parties and as such, going by that legal standard,

a sum of Rs. 25, 000/- that has been awarded by the learned Trial Court to the opposite party cannot be said to be unjustified.

16. Insofar as the residential flat which is said to have been in possession of the opposite party is concerned, Mrs. Chakraborty cannot refute that the opposite party has stated on affidavit that the opposite party is not willing to occupy the said flat and the petitioner can take over the same.

17. As regards Mr. Mukherjee's submission that arrears have been directed to be calculated on the basis of the presently awarded maintenance, Mrs. Chakraborty fairly submits that insofar as the adjustment is concerned appropriate order may be passed for the learned Trial Court to consider as to whether the petitioner is entitled to any adjustment of the sum that the petitioner claims to have spent towards maintaining the two children. She however, contends that the petitioner has not spent any sum for maintaining the opposite party at all.

18. Heard the learned Advocates appearing for the respective parties and considered the material on record.

19. As regards the residential flat being Flat No. D1, at the 4th Floor at 72/2 Becharam Chatterjee Road, Kolkata- 700034 there is no impediment on the part of the petitioner any more to take possession thereof inasmuch as, the opposite party has stated on oath that the opposite party is willing to hand over the keys thereof to the petitioner. In view of such stand having been taken by the opposite party which obviously cannot be refuted by Mrs. Chakraborty during submissions, the opposite party shall hand over the keys of the said flat to the petitioner.
20. As regards the petitioner's contention that the learned Trial Court has directed a sum of Rs. 15,000/- per month to be paid to each of the two children of the parties, this Court finds substance in the submission of Mrs. Chakraborty that according to the petitioner's own showing, the expenses that would be incurred for the children would be higher than the sum of Rs. 30,000/- that has been awarded, as would be evident from affidavit of assets and liabilities filed by the petitioner himself. In such view of the matter, the direction to the petitioner to pay a sum of Rs. 15,000/-

per month to each of the two children, cannot be faulted.

21. Insofar as the direction to pay a sum of Rs.

25, 000/- to the opposite party is concerned, this Court is not inclined to interfere with the same also. Here again, there is evidence on record which has not yet been disputed that the opposite party's income has gone down from Rs. 15,899/- to Rs. 13,697/-. Section 24 of the 1955 Act has avowed objective of preserving dignity and status of the parties while ensuring that the same aligns with the standard of living they experienced while they cohabited (lived together). Taking note of the affidavit of assets and liabilities filed by the petitioner wherein he has indicated his personal expenses to the tune of Rs. 30,000/- (upon deducting the house rent), a sum of Rs. 25,000/- per month awarded to the opposite party-wife does not appear to be so unreasonable as to call for any interference.

22. Insofar as the petitioner's assertion that

the learned Trial Court has directed arrears for alimony *pendente lite* to be calculated on the basis of the sum granted by the order impugned from the date of

filing of the application, since the parties have taken diametrically opposite stand as regards incurring of voluntary expenditure by the petitioner in respect of the opposite party-wife, therefore this Court is of the view that the portion of the order as regards payment of arrears of alimony *pendente lite* from the date of the application should remain stayed till such time that the Court reaches the conclusion as to what is the amount of arrear payable and whether any arrear is at all payable or not.

23. It has been submitted by Mrs. Chakraborty, learned Advocate appearing for the opposite party relying on the affidavit of assets and liabilities filed by the petitioner that no expense whatsoever has been ever incurred by the petitioner for the purpose of the opposite party. It is submitted that the affidavit of assets and liabilities would show that expenses have been incurred by the petitioner only in respect of the two children.

24. Mr. Mukherjee, on the contrary says that expenses in respect of both the opposite party as well as the children have been incurred. This factual dispute needs to be

set at rest by the learned Trial Court. In case, the learned Trial Court finds that the expenses in respect of the opposite party also been met by the petitioner, arrears to such extent would be adjusted. However, since it stands admitted that some expense in respect of the children has been incurred by the opposite party, such amount would be required to be adjusted with the arrears calculated on the basis of the alimony awarded to the two children by the order impugned. That fact finding exercise would be undertaken by the learned Trial Court in accordance with law.

25. It is however made clear that if any payment is found to be made in excess of what has been directed by the learned Trial Court for the purpose of maintenance of the children only and not the wife (i.e. opposite party) then such adjustments would not effect the arrears payable to the opposite party-wife, since such expenses for children have been incurred voluntarily by the petitioner for the benefit of his own children.
26. Since the arrears have been directed to be calculated in terms of this order, therefore, the petitioner shall pay the alimony

pendente lite for the month of June, 2026 within a week from date in terms of the order passed by the learned Trial Court.

27. The learned Trial Court shall determine the arrears payable by the petitioner to the opposite party and the two children in terms of this order within two months from the next date fixed without granting any unnecessary adjournment to either of the parties. The parties shall be free to produce further documentary evidence in support of their respective cases if need so arises. In case, the petitioner pays the monthly alimony *pendente lite* as directed by the learned Trial Court (and the arrears as may be determined to be payable by the petitioner), the suit will proceed, however, in case of any default the suit shall be stayed.
28. C.O. 497 of 2026 stands disposed of with the above observations. There shall be no order as to costs.
29. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Om Narayan Rai, J.)