

10.06.2026
Sl. No.A125
Ct. No.237
S.A.

CRR 1383 of 2025

Sumana Gorai
-vs-
Apu Gorai

Mr. Moyukh Mukherjee
Ms. Sarmistha Basak
Mr. Kaustav Banerjee

...for the petitioner

Let the affidavit of service filed by the petitioner be taken on record.

Despite service, none appears on behalf of the husband/opposite party.

The petitioner/wife has challenged the judgment and order dated February 14, 2025, whereby the Learned Additional Sessions Judge, 4th Court, Asansol, Paschim Bardhaman, modified an interim order of maintenance passed by the Learned Judicial Magistrate, 7th Court, Asansol, under Section 23 of the Protection of Women from Domestic Violence Act, 2005, and directed the husband/opposite party to pay monthly maintenance of Rs. 3,000/- in aggregate (Rs. 2,000/- to the petitioner and Rs. 1,000/- to the minor child).

The Learned Judicial Magistrate had, however, directed the opposite party to pay monthly maintenance of Rs. 6,000/- in aggregate (Rs. 4,000/- to the petitioner and Rs. 2,000/- to the minor child).

By filing an affidavit before the learned Magistrate, the petitioner asserted that the opposite party earns approximately Rs.

40,000/- per month from private tuition and that he runs a coaching centre known as Saraswati Bidyapith Nursery School.

The opposite party, on the other hand, filed an affidavit before the Learned Magistrate disclosing his monthly income to be Rs. 4,000/-.

Subsequently, for the first time before the Learned Additional Sessions Judge, the husband sought to rely upon a photocopy of an income tax return purportedly disclosing his annual income as Rs. 46,440/-. Although the Learned Additional Sessions Judge rightly observed that such a document could not be taken into consideration, he nevertheless reduced the quantum of maintenance in the manner indicated above.

This Court is of the view that, having regard to the prevailing cost of living and the daily expenses necessarily incurred by the petitioner and her minor child for their sustenance, a sum of Rs. 3,000/- per month is wholly inadequate to meet their reasonable needs. In the opinion of this Court, the amount awarded by the Learned Judicial Magistrate was reasonable and ought not to have been reduced by the Learned Additional Sessions Judge.

Considering the present economic conditions and market prices, this Court is of the opinion that interim maintenance at the rate of Rs. 4,000/- per month for the petitioner and Rs. 2,000/- per month for the minor child, who is presently about five years of age, is reasonable and justified.

Accordingly, the order dated February 14, 2025, passed by the Learned Additional Sessions Judge, 4th Court, Asansol, Paschim Bardhaman, is set aside, and the order dated November 28, 2023,

passed by the Learned Judicial Magistrate, 7th Court, Asansol, is affirmed.

Accordingly, **CRR 1383 of 2025** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)