

Item No.13
10.04.2026
Court. No. 12
GB

RVW 147 of 2024
With
CAN 1 of 2024
With
CAN 2 of 2024
In
CO 1186 of 2023

Suman Sengupta
Vs.
Sujata Sengupta

*Mr. Chittapriya Ghosh,
Mr. Sabyasachi Roy Chowdhury,
Mr. Kuntal Ray*

...for the Petitioner.

In Re: CAN 1 of 2024

1. This is an application for condonation of delay of 191 days in filing the review application.
2. Considering the averments in paragraph 9 to 11 of the application, this Court is satisfied that the petitioner was prevented by sufficient cause from filing the review application within time.
3. Delay is condoned.
4. Accordingly CAN 1 of 2024 is allowed.
5. Let the review application be regularized.

In Re: RVW 147 of 2024

6. The application for review has been filed for review of the order dated October 12, 2023, passed in CO 1186 of 2023. This Court had disposed of the revisional application, inter alia, directing as follows:-

“Under such circumstances, this Court is of the view that the application for maintenance pendente lite should be heard afresh, on remand. The order impugned is

set aside. The said application shall be heard upon allowing further opportunity to the parties to adduce oral and documentary evidence in support of their individual case, apart from the affidavit of assets which have already been filed.

It is further stated that the affidavit of assets which has been filed by the wife is illegible. Thus, a fresh copy of the affidavit of assets be served upon the learned advocate for the husband in the learned court below.

This Court finds that the husband is a managing director of a company. He draws salary from the company. His salary component has been mentioned in the affidavit of assets, but the turnover of the company is not available. Such fact should also be introduced by evidence. It appears further, that the husband has at least two properties, one of which is his residence and the other has been let out. He has substantial income from rent. The husband has also disclosed his income from interests, dividends, etc. It further appears that the husband was given a house building loan of Rs.88,00,000/- by a bank.

Under such circumstances, this Court directs that as an interim arrangement, Rs.1,00,000/- shall be paid to the wife from the month of October, 2023. Payment for October 2023 shall be made within November 10, 2023 and thereafter month by month every month at the same rate within 10th of every succeeding month. An amount of Rs.15,00,000/- towards arrears maintenance from the date of filing of the application shall be paid on an ad hoc basis, to the wife. Such payment and acceptance will be subject to the final decision by the learned court below. The quantum of litigation cost will also be adjudicated while deciding the application for maintenance pendente lite. The payment of Rs.15,00,000/- will be made in five equal monthly instalments. First of such instalment shall be paid with the maintenance for October, within the November 10, 2023 and thereafter, within 10th of every month, till the entire amount is liquidated. The learned court below shall proceed with the fresh hearing of the said application. In case of default, this order will stand automatically vacated and the wife will be at liberty to proceed with the execution of the order of the learned court.

7. This order was assailed by the husband before the Hon'ble Apex Court. The order was not interfered with. At this stage, the husband has prayed for review of the order on the ground that he is not in a position to pay the amount as directed by this Court. This is not a good ground for review.
8. Review of an order is permitted to correct error apparent on the fact of record or to bring on record such documents which could not be brought forward at the time of disposal of the revisional application on the ground that the applicant was either not aware of those documents or important facts were not urged by learned advocate properly, despite instructions have been given by the applicant. None of these above circumstances have been satisfied and as such, the review application is dismissed.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)