06.10.2026
Sl. No.9
Ct. No.237
S.A.

CRR 3336 of 2026

Sampa Bhattacharjee
-vs-
Debasis Bhattacharjee

Mr. Amal Kumar Banerjee
Ms. Suveni Banerjee
...for the petitioner

Mr. Arnab Mukherjee
...for the opposite party

The petitioner challenges the order of interim maintenance dated June 8, 2026, passed by the learned Judicial Magistrate, 1st Court, Alipore. By the impugned order, the learned Magistrate granted interim maintenance of Rs.4,000/- each per month for the petitioner and her minor son, who is presently studying in Class 12.

Learned advocate appearing for the petitioner submits that the interim maintenance awarded by the learned Magistrate is grossly inadequate to meet the day-to-day expenses of the petitioner and her son, including his educational expenses.

Learned advocate appearing for the opposite party, on the other hand, submits that the petitioner has suppressed her actual income before the learned Magistrate in the court below. It is submitted that the petitioner is running a boutique, as would appear from the bank account statement of the petitioner annexed at page 94 of the affidavit-in-reply. It is further submitted that, over a period of three years, an amount of approximately Rs.80,00,000 (Rupees eighty lakh) was credited to the petitioner's account, which, according to the learned advocate, indicates that the petitioner has substantial income to maintain herself and her son. It is, therefore, submitted that no

interference with the order passed by the learned Magistrate is warranted.

It appears from the salary slip annexed to the affidavit-in-opposition at page 35 that the opposite party is presently working as an Assistant Sub-Inspector of Police with the Kolkata Police. His gross salary is Rs.66,890 per month, while his take-home salary, after statutory and other deductions, is Rs.49,654 per month.

I find no substance in the submission advanced by the learned advocate appearing for the opposite party regarding the bank account statement. It appears that, between January 1, 2022, and April 1, 2024, a sum of Rs.54,75,885 was credited to the petitioner's account, while a sum of Rs.54,97,346.67 was debited therefrom, leaving a closing balance of Rs.6,144.

The aforesaid transactions, by themselves, cannot lead to the conclusion that the petitioner's net income or profit from the alleged business was equivalent to the amount credited to her bank account. Mere credits in a bank account cannot, without more, be treated as the petitioner's net income.

Keeping in mind the present cost of living and the educational expenses required to be borne for the minor son of the petitioner, who is presently studying in Class 12, this Court is of the view that the interim maintenance awarded by the learned Magistrate requires enhancement.

Accordingly, the interim maintenance is enhanced by Rs.2,000 each in respect of the petitioner and her minor son.

It is, accordingly, directed that the opposite party shall pay a total sum of Rs.12,000 per month as interim maintenance to the petitioner

and her minor son, until the final disposal of the maintenance application pending before the learned Magistrate in the court below. The aforesaid enhancement shall take effect from the date of this order.

Accordingly, **CRR 3336 of 2026** 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.*)