

D/L
Item No. 09
09.02.2026
KOLE
265711

CO 3094 of 2025

Tapasi Bera
-Vs.-
Mrinal Kanti Bera

Mr. Somnath Roy Chowdhury,
Ms. Arpita Chowdhury,

...for the petitioner.

Mr. S. Ghosal,
Mr. S. Mukherjee,
Mr. S. Guha Majumdar,

...for the opposite party.

1. The revisional application arises out of an order dated June 21, 2025, passed by the learned Additional District Judge, 5th Court at Howrah in Matrimonial Suit No. 464 of 2015.
2. By the impugned order the learned Court disposed of an application for enhancement of maintenance by directing the husband to pay an enhanced amount of Rs. 15,000/- in total, from the month of July, 2025 within 5th day of every succeeding month and to go on paying until further orders.
3. Mr. Roy Chowdhury, learned Advocate appearing for the petitioner submits that the court did not record any reasons to justify why the sum of Rs. 15,000/- would be adequate. The Court erroneously directed payment of money from the date of the order, instead of the date of the application. The Court failed to take into account that the take home salary of the husband was almost Rs. 1 lakh and as such the amount awarded was not only inadequate but arbitrary.

4. Mr. Ghosal, learned Advocate appearing for the husband submits that no grounds have been made out for enhancement of the maintenance. The application filed before the Court did not indicate that the daughter was suffering from ailments and substantial amount of money was being spent by the petitioner.

5. Mr. Ghosal also denies that the husband has a monthly income of Rs. 1 lakh.

6. Having considered the rival contentions of the parties, this Court finds that the learned Trial Court had committed an error in directing enhancement of the maintenance from the month of July 2025. Such enhancement should have been allowed from the date of filing of the application i.e., from February, 2022.

7. It appears to this Court that even if Mr. Ghosal's submission is taken to be correct, the salary of the husband was around Rs. 70,000/- per month at the relevant point of time. Thus, the enhanced amount to the tune of Rs. 20,000/- would be reasonable, practical and adequate for the family. Rs. 15,000/- for the mother and the daughter seems to be insufficient. The changed circumstances to justify the prayer of the wife for enhancement was, raise in the salary of the husband as also medical and educational expenses of the daughter.

8. Under such circumstances and keeping in mind the present inflation rate, this Court is of the view that Rs. 20,000/- should be a reasonable amount per month as maintenance pendent lite. The fact that Rs. 10,000/- was

awarded earlier and was being paid by the husband is not in dispute. Under such circumstances, this Court directs as follows:-

(a) Maintenance at the rate of Rs. 20,000/- per month shall be paid on and from February, 2022 i.e, from the date of filing of the applications for enhancement. The same shall be transmitted to the bank account of the wife.

(b) Monthly maintenance at the rate of Rs. 20,000/- shall begin from the month of February 2026 and shall be paid within March 5, 2026 and thereafter, month by month every month within 5th day of succeeding month.

(c) With regard to the arrears from February, 2022 to January 2026, this Court allows payment of arrears upon adjustment of the amount already paid by the earlier order, in six monthly instalments. The first instalment will be paid along with the regular maintenance for the month of February, 2026 within 5th March, 2026 and thereafter month by month within the 5th of the succeeding month, till the entire arrear is liquidated. Fraction, if any, will be added with the last installment.

9. The revisional application is allowed. The order impugned is modified.

10. The learned Court is directed to dispose of the suit expeditiously, if the order of this Court is complied with.

11. Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Shampa Sarkar, J.)