

30.03.2026
Ct. No. 30
S.L. No. 34-36
SM

CO 3522 of 2022
Smt. Arpita Chatterjee
Versus
Sudipendra Nath Chatterjee
With
CO 2548 of 2024
Sudipendra Nath Chatterjee
Versus
Smt. Arpita Chatterjee
With
CO 723 of 2024
Sudipendra Nath Chatterjee
Versus
Smt. Arpita Chatterjee

Mr. Sourav Sen, sr. adv.
Ms. Adrisnata Chakraborty
Ms. Subhangi Bhattacharya
.....for the opposite party/husband in
CO 3522 of 2022

Mr. Sourav Sen, sr. adv.
Ms. Adrisnata Chakraborty
Ms. Subhangi Bhattacharya
.....for the petitioner/husband in
CO 2548 of 2024 & CO 723 of 2024

Mr. Biswasjit Sen
Mr. Tapan Kumar Jana
.....for the petitioner in CO 3522 of
2022

Mr. Biswasjit Sen
Mr. Tapan Kumar Jana
.....for the opposite/respondent/wife
in CO 2548 of 2024 &
CO 723 of 2024

1. The revisions have been preferred by the parties wherein the husband has challenged the quantum of maintenance and has prayed for reduction.
2. On the other hand, the wife has prayed for execution of the order of the Trial Court wherein a

sum of Rs. 15,000/- has been directed to be paid per month as maintenance.

3. The husband herein has challenged the quantum of maintenance granted and submitted that the petitioner only earns Rs. 12,000/- per month and as such, under no such circumstances, can pay the amount of Rs. 15,000/- as directed by the Trial Court.

4. It is further submitted that the Trial Court did not pass the order by following the direction of the High Court, as the High Court had specifically directed that the quantum of income from other sources of the husband should be ascertained by the Trial Court.

5. It appears from the impugned order dated 28.08.2023, that the Trial Court on hearing, has passed an exhaustive order, wherein the Trial Court has noted as follows:-

*“The contention that the husband is still working in DPS the actual income of the Megacity Kolkata also does not appear to be acceptable in view of the report submitted by the Principal of DPS, Megacity, Kolkata. From the report it is absolutely clear that the petitioner/husband was an employee in the capacity of Trainee Teacher from 07.04.2006 to 14.05.2006 and **he resigned from his occupation as a Music Teacher in DPS Megacity, Kolkata on***

14.05.2014. *Such resignation was duly accepted by the school authority and at the time of his resignation his gross salary was Rs 37,630/-. It is also clear from the report that Rs. 280558/- was given by the school authority to the petitioner/husband as full and final settlement.”*

6. The Trial Court further held as follows:-

“Assuming without conceding that the petitioner/husband has resigned from his service, but that was out of his own free will and volition and no compelling reason has been put forth to justify his act. The petitioner/husband cannot be allowed to evade his responsibilities towards his wife by manifesting this aspect as a subsequent change in circumstances, especially when he had the opportunity to prove this point by producing documents which ought to have been in his possession. The petitioner/husband cannot be allowed to repudiate his liability by manifesting an act for which he is the only person to be blamed. Rather it has transpired that the petitioner/husband is a reputed Violinist. Thus the capacity to earn and the experience the petitioner/husband is carrying is quite limpid.”

7. The Trial Court in the same order also considered the prayer for the wife for enhancement of the maintenance granted.

8. On considering the submission of the parties regarding the enhancement and reduction of the quantum of maintenance, the Trial Court finally granted a sum of Rs. 15,000/- per month as alimony.

9. On hearing the parties and considering the materials on record, it appears that the admittedly the husband is an able bodied person and has the capacity to earn being a professional in music and the quantum of maintenance granted by the Trial Court in favour of the wife herein is the minimum that a Court can grant and as such, the said quantum of maintenance granted, requires no interference by this Court, being reasonable.

10. The Trial Court has duly complied with the directions of the High Court and passed a detailed order, while coming to its finding of the actual income of the husband and also his status of employment.

11. Considering the said facts this Court finds no reason to interfere with the impugned order and the said revisions being **CO 3522 of 2022, CO 2548 of 2024 & CO 723 of 2024** stands **dismissed**.

12. Trial Court to proceed expeditiously.

13. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]