

28.01.2026
Ct. No. 30
SL No. **38**
MKP

CO 3932 of 2022

Sri Bharat Soni

Vs.

Smt. Nandini Soni

Mr. M.P.Gupta
Mr. Dilip Kr. Saila
Ms. Moumita Dhar

.....for the Petitioner

Mr. Soumya Basu Roy Chowdhury
Mr. Sarbananda Sanyal
Mr. Saikat Gayen

.....for the Respondent/O.P.

1. Supplementary affidavit filed be kept with the record.

2. The revisional application has been preferred challenging an order dated 19th October, 2022 passed by the Learned Additional Principal Judge, Family Court, Calcutta in Matrimonial Suit No.52 of 2017.

3. Vide the impugned order, the Trial Court has disposed of an application under Section 24 of the Hindu Marriage Act, in spite of holding as follows:

“Perused the affidavits of assets and liabilities submitted by both sides. Perused

also the case record. On perusal of the same I find that marriage of the parties is an admitted fact. It is also not in dispute that from their wedlock a male child namely Maanas was born. The present case is confined within allegations versus counter allegations. At the same time the petitioner/husband has not been able to refute the case of his wife so far as his occupation is concerned. Admittedly the husband namely Bharat Soni has an accountancy firm in Kolkata under Posta P.S. On the contrary, nothing is forthcoming before this court to show that the respondent has income of her own. The minor son of the parties namely Maanas is residing with his mother. If that be the position, the petitioner/husband is duty bound to maintain his wife and son and he should not be allowed to escape the clutches of law.

Ordered

Order passed by Ld. Sessions Judge, Howrah in Criminal Revision No 122/2019 will be adjusted against this order."

4. On perusal of this impugned order, it appears that the grievance of the

petitioner/husband herein, is that he has not been permitted by the Court to counter the claim of the wife/opposite party herein, by way of adducing evidence. In spite of there being no admission on his part.

5. It appears that the Court has disposed of the application under Section 24 of the Hindu Marriage Act, in a summary manner.

6. It is thus the submission of the petitioner that he may be permitted to adduce evidence. The Court has come to its independent conclusion without evidence as to the income of the petitioner solely on the basis of the affidavit of assets and liabilities filed, with no opportunity to counter the same, thus causing prejudice.

7. Considering the said facts on record, **the impugned order is set aside**, Trial Court is directed to hear the application under Section 24 of the Hindu Marriage Act, **afresh** on giving the parties opportunity to adduce evidence and decide the same in accordance with law expeditiously.

8. Pending disposal of the said application, the petitioner shall continue to comply with the order granting maintenance to the wife, under challenge in the criminal revision to the extent of Rs.12,000/- for the wife and Rs.10,000/- for

the child, till disposal of the application, under Section 24 of the Hindu Marriage Act, which shall be disposed expeditiously, preferably **within 3 months** from the date of this order, following the judgment of the Supreme Court in ***Rajnesh Vs. Neha (2021) 2 SCC 324.***

9. C.O. 3932 of 2022 is **disposed of**.

10. Applications, if any, connected thereto stands disposed consequently.

11. Interim order, if any, stands vacated.

12. 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]