

10.06.2026
Court No.5
SL No.33
g.b.

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRR 457 of 2024

Smt. Urvashi Poddar

Vs.

Sri Hemant Poddar & Ors.

Mr. Abhilash Mittal

Mr. Rajdeep Das

Mr. Roumyadip Saha

.....For the Petitioner

Mr. Nilay Chakraborty

Mr. Sourav Lohani

.....For the Opposite Party

1. Leave is granted to correct the cause title.
2. The revisional application has been preferred challenging an order dated 22.03.2023 passed by the learned Judicial Magistrate (1st Court) at Siliguri in Misc. Case No. 64 of 2023. On the limited point that the trial court has granted interim maintenance from the date of order i.e.22.03.2023 and not from the date of filing of the Misc. Case, which is mandatory, in view of the guidelines of the Hon'ble Supreme Court **in the case of Rajnesh Vs. Neha & Ors. reported in (2014) 1 SCC 188 (Paragraph 3 at page 49).**

3. Admittedly there is no dispute at this stage in respect of the quantum of maintenance granted on interim basis by the trial court.

4. Learned counsel appearing for the husband/opposite party submits that in case the court is inclined to grant maintenance as per the guidelines of the Hon'ble Supreme Court, then the installments may be permitted, considering the huge arrears.

5. Accordingly, the revisional application is disposed of with the following modification of the impugned order dated 22.03.2023 that the interim maintenance shall be paid by the husband/opposite party from the date of filing of the Misc. Case, (27.09.2022) that is on and from the month of October, 2022.

6. Learned counsel for the opposite party relies upon a judgement of the Allahabad High Court **in the case of Ranjeeta Vs. State of U. P. & Anr. reported in 2023 SCC OnLine All 169.**

7. Considering the said judgement relied upon, this Court finds that the facts and circumstances as noted in the judgement of the Allahabad High Court are not similar to the facts and circumstances of the case before this Court.

8. Regarding the prayer for installments made by the husband/opposite party, the opposite party shall clear the

arrears by paying two months' arrear along with current maintenance and continue to do so until further orders.

9. The revisional application stands disposed of.

10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Shampa Dutt (Paul), J.)