

Misc. Case No.272 of 2024
CNR No. WBHW01-005304-2024

Present : Sri Somesh Prasad Sinha (J.O Code : WB00720)

Order No.28.

Dated : 18.08.2026

Today, the date is fixed for filing documents and for order.

The petitioner is present and files hazira. The petitioner files some documents as per firisti.

The respondents files hazira through Ld. Advocate. Respondent also files some documents as per firisti.

Ld. Advocates of both sides are present.

Now, the case record is taken up for passing order.

The instant Misc. Case u/s 24 of the Hindu Marriage Act is filed by the petitioner Debjani Ghosh against her husband Subhyasachi Chakraborty praying for an order for allowing maintenance pendenti lite amounting to Rs.20,000/- per month from the respondent/ husband. According to the petitioner, their marriage took place on 13/03/2019 and at the time of marriage, besides gold ornaments, other valuables and furniture as well as cash were given as per the demand of other side. After marriage, she went to her matrimonial home, where, she was subjected to torture on demand of further dowry and the O.P was in the habit to returning home in drunken condition and causing physical torture upon the respondent. On their demand, time to time, parents of the petitioner paid some amount with a view to secure happy marital life of their daughter. She was driven out from her matrimonial home on 12/04/2022 and on 15/10/2022, respondent and his parents came to her father's place to create pressure upon her for divorce. Petitioner lodged complaint at AJC Bose B. Garden P.S, which is registered as Shibpur Case No.194 of 2022 u/s 498A/406/506/34 of the IPC and 3/ 4 of the D.P. Act. Respondent has not paid any amount for the livelihood of the petitioner. The petitioner has no income of her own. The respondent works as Radiologist at CMRI Hospital, CK Birla, Kolkata and he earns Rs.50,000/- per month. The petitioner also filed assets and liabilities duly supported by an affidavit. In her assets and liabilities, she has mentioned her qualification as higher secondary and multimedia. She has described her expenditures amounting to Rs.16,610/-, which includes monthly rent of Rs.1441/- per year, repair and

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maintenance Rs.2,000/- per month, grocery Rs.4,000/-, electricity Rs.2,000/- per month, gas of Rs.1040/-, telephone Rs.330/-, Cable T.V Rs.399/-, maintenance Rs.500, public transport Rs.2,500/-, doctor's charge Rs.1,000/-, news paper Rs.400/- and pocket money Rs.1,000/-. She has not mentioned any assets and liabilities and disclosed any of her bank account. She is staying in Government Quarter with her fat her.

On the other hand, O.P contested the Misc. Case by filing written objection denying the allegations, made in the Misc. Case by the petitioner and submitting inter alia that the petitioner has filed a domestic violence Case being Misc. Case No.965 of 2022. Petitioner was in the habit of leaving her matrimonial home to go to her paternal home at least 14 days to 15 days in a month and finally started residing at her parental residence without probable excuse since the month of April, 2022. The petitioner has also filed a case u/s 498A/406/506 of the IPC against the respondent and his family members on false allegation. O.P further submits that the petitioner is working lady. She is qualified and educated lady and works for gain as Receptionist at Calcutta Heart Research Center, Shibpur, Howrah, wherefrom, she earns Rs.20,000/- per month. Petitioner has withdrawn herself from the society of the O.P at her own will and she is not entitled to get any maintenance. The O.P also filed assets and liabilities, dully supported by affidavit, wherein, he has disclosed his monthly income as Rs.28,000/- per month and shown his demandant family members as himself. It is also mentioned therein that the maintenance order has been passed against him on 04.12.2025 as Rs.6,000/- per month, which he is ready to pay. He has described his monthly income as Rs.30,500/- and after deduction, he is getting Rs.28,000/- per month. In Part-V of the assets and liabilities, he has described his total expenditures as Rs.26,000/- per month, which includes Rs.4,000/- on grocery, Rs.4,000/- on electricity, Rs.1,000/- on gas, Rs.1,000/- for cable, Rs.2,000/- for parents, Rs.1,000/- for public transport, Rs.1,000/- for mediation, Rs.10,000/- for personal loan. He has also mentioned his bank account maintained at Indian Overseas Bank being No.XXXXXXXXXXX30516 and filed xerox copy of bank statement starting from the period from 31st March, 2024 till 29.04.2026.

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At the time of hearing, Ld. Advocate for the petitioner submitted that Ld. J.M, 1st Court, Howrah has already passed interim maintenance allowance of Rs.6,000/- per month and further submitted that the said amount is also being not paid by the O.P. He has only paid Rs.1,03,000/- out of total dues of Rs.2,28,000/- till 15.05.2026. Ld. Advocate for the petitioner relying upon the decision of the Hon'ble Calcutta High Court reported in 2023(3) ICC 216 (Cal) submitted that the petitioner is entitled to get 1/5th of the income of the O.P. and accordingly, it is argued that the petitioner is entitled to get Rs.20,000/- per month.

I have gone through the documents, filed by the parties.

At the time of hearing, Ld. Advocate for the O.P insisted upon the qualification of the petitioner and on the fact that the petitioner is also doing a job and she is earning Rs.20,000/- per month and is well qualified to earn money. It is also submitted that petitioner has not disclosed about her bank account. However, no documentary proof is produced by the O.P to establish the fact that the petitioner is doing any job or is earning any money.

Ld. Advocate for the O.P also filed pay slip of O.P for the month of July, 2026 and calculation sheet of income tax for the period from 01/04/2026 to 31/03/2027, pay slip for the month of May, 2026 and June, 2026. Ld. Advocate for the O.P relied upon decision of the Orissa High Court in case of Madan Kumar Satpati and Priyadarshini Pati and submitted that the maintenance to wife is only to be made if the wife is unable to maintain herself and wife considering the maintenance allowance, the earning potential and educational qualification of the wife must also be considered.

I have gone through the bank statement, filed by the O.P, wherefrom, it can be found that on 29/04/2026, there is balance of Rs.2,83,908.55/- in his account. I have randomly gone through the entries of amounts credited in his account and it can be found that on 30/03/2024, Rs.26,703/- was credited in his account as salary and similarly, on 29.02.2024, Rs.34,895/-, on 31/01/2024 Rs.34,519/-, on 29.12.2023 Rs.37,706/-, 29.11.2023, Rs.37,527/- and in this

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way, the current salary, which is credited in his account on 30.05.2026 appears to be Rs.30,347/-. From the salary slip of July, 2026, it can be found that his gross salary is Rs.35,194/- and deduction of Rs.5194/- is done for the said month from his salary. In the month May,2026, his gross salary is Rs.37,472/- and deduction of Rs.7,125 is done for the said month. In the month of June, 2026, his gross salary Rs.41,842/- and deduction of Rs.5,332/- is done in the said month from his salary.

Considering the submissions of both sides and having regard to the documents, placed by the parties before me, it is evident that the petitioner has claimed herself having no income of her own and no document on the contrary is coming from the side of the O.P to contradict the said fact or establish the fact that the petitioner is working at Birla Heart Research or getting salary of Rs.50,000/- per month. In absence of any such document, it is found that the petitioner has no income of her own. At the same time, it is also found that the gross salary of of OP varies month to month in between Rs.35,000/- to Rs.40,000/- as reflected from his salary slips. The expenditures as shown by the O.P in his assets and liabilities is not in accordance with his income, he has shown that he is paying Rs.10,000/- per month for personal loan, but no such document is produced by the O.P to establish the said fact. Other expenditures seem to be inflated in respect of payment towards electricity, towards cable T.V and towards parent, particularly, when he has mentioned in the column of the dependent family member that his father is dead.

Considering all these aspects and taking into the fact that the petitioner has no income of her own and she is residing at her father's place at the mercy of her parents, O.P cannot deny his responsibility and obligation towards the petitioner to provide her proper maintenance so that she can lead her life with dignity and respect in the society and be able to maintain herself of the same status, which the O.P is maintaining or which the petitioner was maintaining while she was staying in her matrimonial home after her marriage. Considering the income of the O.P as discussed above, I am of the view that if the petitioner gets an amount of Rs.8,000/- per month as maintenance pendenti lite it would be sufficient for her and it will be also not hardship for the O.P.

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I do not find any merit in the submission of the Ld. Advocate that the petitioner being qualified is capable of earning and as such, she is not entitled to get any maintenance since there are several decisions of the Hon'ble Court in this regard, wherein, it has been observed that wife is entitled to get maintenance even if, she is earning to some amount to support her livelihood.

Accordingly, the Misc Case is allowed.

Hence, it is,

ORDERED

that the Misc Case being No.272 of 2024, be and the same is hereby allowed on contest but without cost.

The petitioner is entitled to maintenance allowance @ Rs.8,000/- per month for herself from the date of filing of this case i.e. on 19.11.2024.

OP is directed to make payment of current maintenance allowance as per the aforesaid order within 7th day of each succeeding month and also to pay cost of litigation within 1 month from this day and arrear of maintenance allowance within six months from this day.

It is further directed that this order of maintenance pendente-lite is subject to adjustment and/ or set off, if it is shown that the Opp. Party/ husband has already paid any amount to the petitioner/ wife on account of monthly maintenance or interim maintenance for the same period in any other proceeding before any other learned Court.

Thus the instant Misc. Case is finally disposed of.

Note in the relevant Register.

Update in the CIS.

Dictated & corrected by me.

(Sri Somesh Prasad Sinha)
A.D.J, 1st Court, Howrah
Dated : 18.08.2026

(Sri Somesh Prasad Sinha)
Additional District Judge,
1st Court, Howrah.