

Criminal Revision-33/2024

03 / 02.09.2024

Today is fixed for passing necessary order in respect of a stay petition dt.09.08.24.

The revisionist files hazira.

The case record is taken up for passing necessary order.

Heard. Perused the materials on record. Considered.

According to the revisionist/petitioner, an application for an interim maintenance order of Rs.15,000/- per month has been ordered in favour of the opposite party/wife in connection with Misc. Case No.207/2023 dt.23.07.2024. The said maintenance amount has been directed to be paid by the petitioner to the O.P./Wife by the first week of every month from the date of passing of the impugned order. The said order of maintenance has created a great hardship upon the revisionist, as he do not have sufficient income to provide the said maintenance amount to the O.P./Wife and that he also have to maintain his old and ailing parents in his family, besides bearing the other financial liabilities.

It appears that the genesis of the dispute between the parties relates to the fact as to whether the petitioner of the said case was willfully neglected to be maintained by the respondent/revisionist, in spite of having sufficient means of providing maintenance to the petitioner. It also appears that the trial of the case is yet to commence and the capacity of the revisionist to maintain the petitioner is to be determined.

In such circumstances, I find that there exists enough merit in the case of the revisionist to get his grievance vindicated through the present case by challenging the impugned order of interim maintenance, where he has been asked to pay the aforesaid amount of interim maintenance, which appears to be exorbitant at this stage of the case.

Accordingly, the stay petition is allowed, subject to condition that the revisionist shall pay an amount of Rs.10,000/- per month as an interim maintenance of the opposite party/wife, w.e.f. the date of passing of the impugned order of interim maintenance by the Ld. Court below and continue to make payment of the said maintenance amount till disposal of the instant revisional application.

To date for SR and appearance.

Call for the LCR at once.

Dictated & Corrected

Adl. District & Sessions Judge,
Ranaghat, Nadia