

Criminal Revision No.43/2024

Order No.02 / dt.13.12.2024

The case record is put up today on prayer of the revisionist/petitioner.

A stay petition is moved on behalf of the revisionist/petitioner.

Heard. Perused the materials on record. Considered.

According to the revisionist/petitioner, an order of interim maintenance has been passed by the Ld. Magistrate directing the revisionist/petitioner to pay an amount of Rs.2000/- each for the maintenance of his wife and daughter, w.e.f. from the date of filing of the Misc. Case No.169/2024.

The revisionist/petitioner has contended that he is a day labor and has no source of income to provide the aforesaid maintenance amount to his wife and daughter and it requires to be re-adjudicated.

The revisionist/petitioner has further contended that the said interim of maintenance is required to be stayed till determination of the actual state of fact regarding his capacity to pay maintenance to his wife and daughter.

Having heard and considered the submissions of the Ld. Lawyer for the revisionist/petitioner and also the materials on record, it appears that the Ld. Magistrate has been pleased to pass the order of interim maintenance only on the ground that the present revisionist/petitioner being the husband and father of his wife and daughter is liable to provide proper maintenance to them to prevent them from destitution. Needless to mention that the crux of the dispute between the parties relates to the fact as to whether the revisionist/petitioner has the capacity to provide necessary maintenance to his wife and daughter and that whether he has willful neglected to provide them with sufficient maintenance.

In my opinion, there exist enough merit on the case of revisionist/petitioner regarding his capacity to pay necessary maintenance to his wife and daughter and it requires to be properly adjudicated.

In such circumstances, I think that the impugned order of interim maintenance passed by the Ld. Court below requires to be stayed till disposal of the said dispute.

Accordingly, the prayer of the revisionist/petitioner is allowed.

Let all further proceedings of Misc. Case No.169/2024 be stayed till further, subject to deposit of an amount of Rs.15,000/- and also on condition to pay an interim maintenance of Rs.3000/- to the respondent no.1/opposite party by 07th day of every month, w.e.f. this date of order.

To date for SR and appearance.

Let a copy of this order be sent to the Ld. J.M., 03rd Court, Ranaghat for necessary information.

Dictated & Corrected.
Sd/- S. Gupta

Sd/- S. Gupta
Additional District Judge,
Ranaghat, Nadia.