

Misc Case – 173/2025
Arises out of Mat Suit No. - 887/2025

Present : Sri Sanjib Dey
J.O. Code – WB00679
Additional District Judge, 1st Court, Barasat, North 24 Parganas

Order No.23, Dated 01.08.2026

Today is fixed for further hearing and order.

Ld. Lawyer for the petitioner and respondent are present.

Heard both sides.

Record is taken up for order.

O.P. / husband filed Mat Suit No. 887/25 against respondent / wife for dissolution of marriage u/s 13 of Hindu Marriage Act. Respondent / wife appears in that Matrimonial Suit and filed Misc Case No. 173/2025 as petitioner against her husband for alimony pendente lite.

In the application filed u/s 24 of Hindu Marriage Act, petitioner / wife contended that marriage between the parties was solemnized on 24.11.2008 according to Hindu Rites and customs and marriage was registered on 03.01.2009 under Hindu Marriage Act. Petitioner / wife described incident happened during her matrimonial life and despite being qualified never persuade her carrier as petitioner entrusted her life and security to her husband with wrong trust on her husband and standing on burden of broken promises. It is contended that petitioner / wife has no independent income to sustain herself or meet litigation cost of on going suit with other charges. On the other hand, respondent / husband is man of sound health with active life style and lucrative employment, earning Rs.1,75,000/- to 2,00,000/- as he employed in reputed establishment. It is contended that respondent / husband used to pay the petitioner / wife amount of Rs. 17,000/- per month as rent, Rs. 16,000/- as household expenses including electricity charges of Rs.2,000/- per month in total Rs.35,000/- per month till the year 2021. Petitioner / wife claimed Rs.50,000/- per month as alimony pendente lite during pendency of this suit and litigation cost of Rs. 40,000/- from respondent / husband.

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Respondent / husband contested this Misc Case by filing written objection. In the written objection respondent denied averments made in the application of petitioner / wife. Respondent / husband contended that respondent / husband resigned from his employment on 17.06.2026 due to ill health and actively searching for suitable employment and at present respondent has no regular source of income. It is contended that petitioner / wife is capable of earning but has deliberately failed to disclose her actual income and financial resources. Respondent / husband in his application contended that he is under obligation to maintain his old ailing parents and inspite of that fact respondent is paying all the expenses of petitioner / wife like rent of the flat where petitioner is staying, paying basic requirements in order to run a household like groceries, provide salary to the maid servants and bearing the expenses of all needs and requirement of petitioner / wife. It is contended that respondent on many occasions approach the petitioner / wife to come back but petitioner / wife never pay any heed to the demand of respondent and they are separated almost about 10 years and prays for dismissal of alimony pendente lite.

Affidavit of assets of income and expenditure filed by petitioner / wife shows that in serial no. 14, it is noted that petitioner claimed maintenance of Rs.40,000/- and in serial no. 24 claim of litigation cost is Rs.50,000/-. It is also noted that income of respondent / husband is noted in between Rs.1,75,000/- and Rs.2,00,000/- inclusive of bonuses per month.

Affidavit of assets of income and expenditure filed by respondent / husband, it appears that in serial no. 7, it is noted that general expenses of respondent / husband is Rs.70,000/- (for rent, household expenses, medical bills, transportation etc) and he has widow mother, two unmarried uncle son and nephew and he used to incur Rs.83,000/- per month on account of his dependents. In the affidavit it is noted that respondent is an Engineer of TCS and monthly income is Rs.2,93,833/- per month. Respondent / husband in his affidavit declared that qualification of petitioner / wife is MA and she is earning Rs.50,000/- per month from private sector.

During hearing, it appears to this Court that it is admitted that that respondent / husband used to pay Rs.35,000/- per month to the petitioner /wife towards her expenses but according to petitioner / wife said amount was paid till 2021. No document is filed regarding income of other party.

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Considering income of respondent / husband, status of both sides this Court is of opinion that an amount of Rs.45,000/- per month for alimony pendente lite will meet the ends of justice along with one time litigation cost of Rs.30,000/-.

Hence, it is,

ORDERED

that that respondent / husband is directed to pay Rs.45,000/- per month as alimony pendente lite to the petitioner / wife from the date of filing this Misc Case and directed to pay one time litigation cost of Rs.30,000/-. Respondent / husband is directed to pay alimony pendente lite within 10th day of each succeeding English calendar month and also directed to pay litigation cost of Rs.30,000/- within 2 months from this day.

This Court like to make it clear that if any amount paid by respondent / husband to the petitioner / wife for maintenance shall be deductible from the amount of alimony pendente lite as directed by this Court.

This the Misc Case be and the same is disposed off on contest.

Addl. District Judge,
1st Court, Barasat.