

**Misc Case 161 of 2019**  
**CIS No.161/19)**  
**(CNR NO. WBSP01-003645-2019)**

**Order No.55 dated 07.10.2023**

Both parties have been duly represented by their respective Ld. lawyers.

A rejoinder to the affidavit of assets and liabilities has been filed by the petitioner/wife in response to the affidavit of assets and liabilities already submitted by OP/Husband.

copy has been served. let it be kept with the record.

The petitioner/wife has also filed a petition praying for passing necessary order so that the interim maintenance application is decided on basis of the affidavit of assets and liabilities filed by both the parties.

Heard Ld. lawyers for the parties.

It has transpired from the case record that the petitioner/wife was examined in part on 07.02.2020 in this misc case. Subsequently, there has been change in the position of law and the Hon'ble Supreme Court in the Epoch making judgment titled Rajnesh vs Neha, reported in 2021(4) ICC 757 (SC) has issued several guidelines for apt adjudication of the interim maintenance prayer. Being guided by the direction of the Hon'ble Supreme Court, I do not find any illegality in the prayer made by the petitioner/wife. In view of such the prayer for the petitioner is allowed.

Let the misc case be fixed for final hearing as it will be disposed of following the modalities of law as formulated by the Hon'ble Supreme Court.

Evidence of PW-1 which has been partly recorded in this case is accordingly closed.

Fix 07-02-2024 for final hearing of the misc case.

Sd/-

Dictated & corrected by me.

Sd/-  
ADJ-1, Alipore

Addl. District Judge,  
1 st Court, Alipore,  
South 24 Parganas  
07.10.2023  
**JO CODE : WB00580**