

MAT SUIT NO. 56/2017
CNR No.WBSP01-006693-2017
J.O Code WB 00639

Order No.59
03.11..2022

Today is fixed for hearing of all the pending petitions.

Both sides file haziras through their respective Ld. Advocates. WO filed on behalf of the OP in respect of petition dated 13.05.2022 for modification/enhancement of Alimony pendente lite.

The petition is taken up for hearing.

Perused the petition and WO thereto. Heard both sides.

On the strength of petition dated 13.05.2022 the respondent/wife has prayed for enhancement of monthly alimony pendente lite of Rs.70,000/- to Rs.2,30,000/-.

The Ld. Advocate for the petitioner/husband has contended that as monthly pendente lite has already been modified by the Hon'ble Court to the tune of Rs.70,000/-, there is no scope for further enhancement of the same.

Monthly maintenance pendente lite has recurring cause of action depending upon the change of circumstances. So, it cannot be said that there is no scope for modification of the same. Moreover, there is direction and liberty by the Hon'ble High Court at Calcutta for filing affidavits of assets and liability and to approach afresh before this Court.

So, both the parties are hereby directed to submit the respective affidavit of assets and liability for consideration and disposal of modification/enhancement of maintenance pendente lite.

So far as speedy disposal of the matrimonial suit is concerned, there are direction of the Hon'ble Court for the same. As the defendants has already filed WS and additional WS, I think the issues are required to be framed for expeditions disposal of the suit.

The contention of the Ld. Advocate for the respondent/wife is not true that till the disposal of petition for enhancement of maintenance pendente lite suit cannot be proceeded as there is direction of payment of maintenance pendente lite to the tune of Rs.70,000/- per month to the wife by the husband. So, issue may be framed and the suit may be proceeded on condition not to pass final judgement till the pending of any petitions.

So issue is framed and kept with the record.

So far as matter of reconciliation is concerned, it appears the matter was sent for mediation to DLSA, but unsuccessful.

For the case record it appears that vide order no. 43 dated 18.02.2021 that petition of the plaintiff for video conference and wo thereto are kept with the record for hearing , so the same is required to be disposed of on the next date.

To 04/01/2023 for P.H. of Mat suit and hearing of the video conference petition and filing affidavit of assets and liabilities by both the side in respect of modification/enhancement maintenance pendente lite.

Dictated & corrected by me

Additional District Judge
6th Court, Alipore, 24 Parganas (S)

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