

**MAT SUIT NO. 56/2017**  
**(R No. 1216/2017)**  
**CNR No.WBSP01-006693-2017**  
**J.O Code WB 00639**

Order No.68

Dated : 08.05.2023

Today is fixed for passing order in respect of enhancement matter.

The respondent/wife has prayed for enhancement of monthly maintenance pendente lite from Rs.70,000/- to Rs.2,30,000/-.

The case of the wife is that in maintenance misc. case this court has passed which was subsequently enhanced by the Hon'ble High Court at Calcutta @ Rs.70,000/- per month. Such order was passed in the year 2018. The further case of the wife is that after getting some information about the husband she came to know about the monthly income of the husband is Rs.8,36,000/- whereas the wife is unemployed having no income of her own to maintain herself.

The husband contested the matter by filing WO inter alia contended that there is no provision for modification and/or to vary the order of alimony pendente lite under section 36 of the Special Marriage Act, as such he is praying for rejection of the application.

In support of rival contentions parties have filed affidavit of assets and liabilities. At the time of hearing, Ld. Advocate for the husband contended that the husband is in abroad on educational visa and is still a research student and that living cost of the husband in abroad which is much more higher in comparison of Kolkata.

At the time of hearing Ld. Advocate for the husband has referred page 12 column no. 63 of affidavit of assets and liabilities of the wife and contended that there is mentioning of current balance of Rs.5,43,279.32/- in the ICICI Bank Account of the wife whereas in the statement of assets in column no. 61 & 62 wife has shown as all are nil.

From the copy of order of the Hon'ble Court it appears that High Court has been pleased to observe that the trial court recorded the monthly income of the husband in the range of Rs.2,75,00 per month on the basis of which the Hon'ble Court has been pleased to order of maintenance pendente lite to the tune of Rs.70,000/- per month which has been paying by the husband to the wife regularly.

Though, in the petition for enhancement wife has stated the present income of the husband is Rs.8,36,000/- and in her affidavit of assets and liabilities Rs.7,39,141.60, but there is no cogent and convincing materials on record to substantiate the same.

Having considered all and materials on record and assets and liabilities of both the sides I do not find any sufficient reason for enhancement of the maintenance pendente lite of the wife from Rs.70,000/- to Rs.2,30,000/-.

Hence, the petition for enhancement for the monthly maintenance pendente lite filed by the Wife is rejected on contest.

To 30.05.2023 for hearing of the petition filed by the wife on 26.04.2023 and for P.H.

D/C by me

A.S.J 6<sup>th</sup> Court, Alipore  
6<sup>th</sup> Court, Alipore.

Additional Sessions Judge,  
6<sup>th</sup> Court, Alipore.