

D/L. 19
November 12, 2025
MNS

FMA No. 1123 of 2025
with
CAN 1 of 2025

Rupa Bhattacharjee alias Rupa Adhikari
Vs.
Pijush Bhattacharjee

Mr. Sourav Sen, Sr. Adv.,
Ms. Adrisnata Chakraborty,
Ms. Subhangi Bhattacharya

.....For the appellant/wife.

1. Supplementary affidavit as well as the affidavit of service filed today by the appellant be kept on record.
2. From the affidavit of service, it transpires that due service has been effected on the respondent. However, the respondent chooses not to appear.
3. The present appeal has been preferred against an order whereby permanent alimony has been refused to the appellant while passing a divorce decree against the appellant.
4. By the present application, the appellant seeks *alimony pendente lite* at the rate of Rs.10,000/- per month.
5. In view of non-appearance of the respondent despite service, the averments made in the application as well as the supplementary affidavit of the appellant, incorporating the affidavit-of-assets of the appellant as well, have to be accepted by invocation of the doctrine of non-traverse.

6. Upon a careful consideration of the said application and the contents of the affidavit as well as taking into consideration the current cost of living in general as well as the capacity of the respondent/husband to earn, we are of the opinion that the appellant's claim of Rs.10,000/- per month as *alimony pendente lite* is justified.

7. Accordingly, CAN 1 of 2025 is allowed, thereby directing the respondent/husband to pay alimony at the rate of Rs.10,000/- per month to the appellant by the tenth day of each current month. The first instalment of alimony for the month of December, 2025 shall be paid by December 10, 2025 and thereafter, by the tenth day of each succeeding month for such current month.

8. The arrears of alimony from the date of the present application, that is, from September, 2025 till November, 2025, at the rate of Rs.10,000/- per month, shall be paid by two equal monthly instalments, the first of which shall be paid by December 31, 2025 and the next by January 31, 2026.

9. Any *ad hoc* payment, if made by the respondent/husband pursuant to the order of this court in the meantime, shall be adjusted with the arrears.

10. There will be no order as to costs.

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11. The appellant shall put in the due requisites and postal costs for service of notice of the appeal on the respondent within a week from date.

12. The trial court records shall be brought by special messenger at the cost of the appellant, also to be deposited within a week.

13. The appellant shall prepare and file the requisite number of paper books within eight weeks from the date of service of notice of arrival of the trial court records on the learned Advocate for the appellant.

14. Liberty to the parties to mention the appeal for inclusion in the list as and when the same is ready for hearing.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)