

24th March,
2026
(AK)
16

F.M.A 1123 of 2025
IA No: CAN 2 of 2025

Rupa Bhattacharjee alias Rupa Adhikari
Vs.
Pijush Bhattacharjee

Mr. Sourav Sen, Snr. Adv.
Ms. Adrisnata Chakraborty
Ms. Subhangi Bhattacharya
...for the appellant.

Mr. Partha Pratim Roy
Mr. Biswajit Manna
Mr. Sarbananda Sanyal
Mr. Samrat Chakraborty
...for the respondent.

1. The present application has been filed for recall of an order dated November 12, 2025 whereby alimony *pendente lite* was directed to be paid by the respondent/husband/petitioner at the rate of Rs.10,000/- per month to the appellant/wife.
2. Learned counsel for the respondent/petitioner submits that the petitioner has been suffering due to his old age, particularly after the COVID-19 Pandemic, and is in such a mental condition that he is not in a position to maintain himself.
3. It is further submitted that his affairs are maintained by his brother.
4. Learned counsel submits that as such, due to reasons beyond the control of the respondent, the respondent could not be represented on the relevant date when the said order was passed.

5. Learned senior counsel appearing for the appellant/opposite party submits that the respondent/husband claimed in the trial court as well that he was being maintained by his elder brother.
6. However, in his evidence, he stated that he had been paying lakhs of rupees for the wife.
7. Thus, it is submitted that there is a discrepancy in the stands taken by the respondent at various stages.
8. We find from the order sought to be recalled that the court had clearly recorded that from the affidavit-of-service it transpired that due service had been effected on the respondent/husband but he chose not to appear on the said date.
9. In view of the non-appearance of the respondent despite service, the doctrine of non-traverse was applied and the averments made in the alimony application and the supplementary affidavit filed by the appellant/wife were taken note of for passing the said order.
10. We do not find any plausible reason having been made out for the court to recall the said order, thereby reviving a disposed-of alimony application.
11. Even otherwise, the quantum of Rs.10,000/- per month as alimony is a meager amount, particularly taking into consideration the financial hardships and inflation faced by people in the present days.

12. Thus, there is no scope of recall of the order.
13. Accordingly, CAN 2 of 2025 is dismissed on contest without any order as to costs.
14. In view of the appearance of the respondent through his learned Advocate, service of notice of the appeal on the respondent is dispensed with and the appeal be treated to be ready as regards service.
15. The delay in depositing the special messenger costs for bringing the trial court records is condoned and the special messenger costs are accepted as proper deposit in terms of the order of this court.
16. Accordingly, the trial court records be called for, as per previous direction, by special messenger.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)