

19.05.2026

Sl. No.33.

D/L.

Mithun.

Ct.No.29.

CRR/2335/2025

Tamal Chatterjee

Vs.

Manimala Das & Anr.

Mr. Md. Sabir Ahmed,
Mr. Arijeet Bhattacharjee

...for the petitioner

Ms. Swarnali Saha,
Mr. Arindam Ganguly

...for opposite party no.2

Supplementary affidavit filed by the petitioner is taken on record.

The petitioner herein is aggrieved with the order dated 18.03.2025 passed in Criminal Appeal No.175 of 2024 by Additional Sessions Judge, 16th Court, Alipore by which the Appellate Court has affirmed the order of the Trial Court.

By the impugned order dated 29.06.2024, the Trial Court allowed opposite party/wife's application under Section 23 of the PWDV Act, 2005 in part and observed that the aggrieved person is entitled to stay at her husband's exclusive property, which is situated at 245/1, Rama Krishna Sarani, Police Station-Parnasree, Kolkata-700060.

Being aggrieved by the order of the Trial Court and also the order of affirmation by the Appellate Court, Mr. Ahmed, learned Counsel appearing on behalf of the petitioner submits that after passing of the order by the Trial Court on 29.06.2024, the opposite party/wife herein purchased her own accommodation on 30th day

of July, 2024 by way of a registered deed which he has annexed in his supplementary affidavit.

It is further submitted that in spite of specific direction, the opposite party/wife has not yet filed affidavit of assets and liabilities. The opposite party no.1/aggrieved person is working as a teacher in a school wherefrom she is getting a sum of Rs.50,000/- per month and the husband is also paying Rs.25,000/- per month towards alimony *pendente lite* . Therefore, the impugned order by which the residence order was passed by the Court below is no longer sustainable in the eye of law. Accordingly, he prayed for setting aside of the impugned order.

Having heard learned Counsel for the petitioner, the application stands admitted.

Petitioner is directed to serve a copy of application along with a copy of supplementary affidavit upon learned Counsel appearing on behalf of opposite party in the course of the day.

Let the matter be listed under the heading "Contested Application" on 19th June, 2026.

Learned Counsel for the petitioner also prays for interim stay.

Having heard learned Counsel for the petitioner and relying upon his submission that the opposite party has purchased her own accommodation, let the execution of the order dated 18.03.2025 passed in Criminal Appeal No.175 of 2024 and the order passed by the Trial Magistrate dated 29.06.2024 in C-294 of

2020 be hereby stayed for a period of 8 weeks or until further order, whichever is earlier.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

(Dr. Ajoy Kumar Mukherjee, J.)