

19.03.2026
Sl. No. 3
Court No.16
PA

FA No. 369 of 2025
with
CAN 1 of 2025
with
CAN 3 of 2025
with
CAN 4 of 2025
With
CAN 5 of 2025

Sanchita Auddy
Vs.
Sanjay Auddy

Mr. Rabindra Narayan Dutta
Mr. Sibasis Ghosh
Mr. Arkoday Mukherjee
...for the Appellant

Ms. Sulagna Mukherjee
Mr. Soumik Chakraborty
Ms. Mihika Roy
...for the Respondent

CAN 1 of 2025

1. The present First Appeal has been instituted by the wife being aggrieved by and dissatisfied with the judgment passed by the learned Additional District Judge, 3rd Fast Track Court, Berhampore, District-Murshidabad in Matrimonial Suit No. 358 of 2011.

Initially the matrimonial suit was instituted before the Ld. District Judge, Barasat, North 24-Parganas being Matrimonial Suit No. 1487 of 2009 under Section 27(1)(d) of the Special Marriage Act, 1954 alternatively for a

decree of judicial separation under Section 23 of the said Act, on the ground of cruelty. Thereafter the said Matrimonial Suit had been transferred to the Court of the Ld. District Judge, Murshidabad wherein it got renumbered and has ultimately been disposed of being decreed.

2. Through the said judgment the learned Trial Judge has passed an order of divorce as has been prayed by the husband.
3. The backdrop of the lis is that the appellant/wife and the respondent /husband got married on 24.04.2005.
4. A girl child namely Saanvi Auddy has taken birth because of the said wedlock on 06.08.2008. The said daughter is presently aged about 17 years and is pursuing her studies in science stream in Class-XII, in a reputed school in Murshidabad namely Gitaram Gurukul.
5. The appellant and the respondent started to live separately since 02.10.2009. So both the contending parties resided together for about 4½ years as such they have been living separately for more than 15 years and have been litigating among themselves for about 15 years.

6. Through this application the appellant/wife has prayed for Rs. 50,000/- per month for the maintenance of the minor daughter and Rs. 10,000/- per month for herself.

It has been stated that the appellant has been receiving Rs. 15,000/- for the minor daughter and Rs. 5000/- for herself by an order passed in a proceeding under Section 125 of the Code of Criminal Procedure.

7. The Ld. Counsel representing the appellant /wife during his exhaustive submission and through elaborate prayers has submitted that the husband that is the respondent has not taken any initiative to meet the child since separation.

To campaign the cause of the appellant /wife seeking enhancement of the order of maintenance the learned counsel has placed that the husband is a SAP consultant and has been working in several multinational renowned companies and is presently working in Netherlands and is holding blue card. He has further submitted that a person who possesses blue card in Netherlands earns huge amount of money. He has further submitted that the respondent /husband has several bank accounts which are as follows:

i) Canara Bank at Rajarhat Branch.

ii) Non-Resident External (NRE) account in HDFC Bank.

iii) Non-Resident External (NRE) account in YES Bank.

iv) Non-Resident External (NRE) account in AXIS Bank.

v) An account in the ICICI Bank.

vi) ING Bank Current account and

vii) An account in a Bank in Netherlands

He has further submitted that apart from so many accounts the respondent/husband has purchased two flats along with garrage one at Newtown measuring 998 sq. ft. in the year 2023 and another measuring 1625 sq. ft in Rajarhat Gopalpur in the year 2025.

He has further submitted that the child is a Thalassemia carrier.

He has also submitted that the appellant/ wife is now residing with her minor child at her parental house.

In support of his contention learned counsel has referred to two citations one being passed by the Hon'ble Apex Court in the case between Parvin Kumar Jain Vs. Anju Jain published in (2025) 2 SCC 227. He has also relied upon a decision of a coordinate

bench of this High Court passed in CAN 2 of 2024 in connection with FAT 178 of 2024.

8. Per contra, the learned counsel representing the husband has submitted that the father of the respondent is suffering from terminal disease and for that reason huge expenses are being incurred by the respondent who is the sole legal heir of his parents .

She has further submitted that the mother of the respondent is also a septuagenarian and is suffering from old age related problems as such for both the parents the respondent has to bear recurring huge expenses. The learned counsel during her elaborate submission has stressed upon the judgment passed by the Hon'ble Apex Court in the case between Rajnesh Vs. Neha reported in (2021) 2 SCC 324 and has submitted that through the said judgment the Hon'ble Apex Court has laid down that if the wife has sufficient independent income then she is disentitled to alimony and to the expenses of the proceedings.

She has further submitted that the appellant/wife is least concerned about the well being of the child as the child was let go twice from her mother's parental home and was rescued by the Child Welfare Committee,

Berhampore. She has further submitted that the money deposited into the NRE Account of Axis Bank is from the savings being made in Netherlands and the husband has no further source of income. Relying upon the case of Rajnesh (supra) she has further stressed upon the point that where marriages have not lasted for a long period in such cases it is inequitable to direct the contesting party to pay alimony for the rest of the wife's life. She has further submitted that the husband is willing to bear the expenses of the child proportionately as because the appellant wife is also earning hefty amount being a school teacher. The learned counsel has responded to the prayer for maintenace by stressing upon the point that school fees per month of the daughter is Rs. 4100/- (Rs. 3500/- school fees and Rs. 600/- transportation cost).

She has further submitted that there is no document in support of the contention of the wife that Rs. 25,000/- per month has to be spent for education of the daughter. While contradicting the claim of Rs. 35,000/- per month for food groceries and medical expenses the learned counsel representing the husband has submitted that cost of living

in Berhampore being a Tier 2 city is much less than that in Kolkata being a Tier 1 city. She has further submitted that the wife is earning huge amount of money as dividend and interest from fixed deposits which is revealing from the income tax returns for the Financial Years 2023-24 and 2024-25.

9. Considering the submission of the learned counsels and on perusal of the judgments passed in the case of Rajnesh (supra) published in (2021) 2 SCC 324 and the judgment passed by the Hon'ble Apex Court in the case between Parvin Kumar Jain Vs. Anju Jain reported in (2025) 2 SCC 227 it transpires that the Hon'ble Apex Court has laid down guidelines for the sake of maintenance of the wife's. The principle which has been laid down is that the payment for maintenance should not be seen as a penal action upon the husband on the contrary it should stabilize the status of the wife and to see that the wife does not remain destitute and in vagrancy.

In the judgment passed in the case of Parvin Kumar Jain (supra) the following have been laid:

“i) Status of the parties, social and financial.

- ii) Reasonable needs of the wife and the dependent children.*
- iii) Parties' individual qualifications and employment statuses.*
- iv) Independent income or assets owned by the applicant.*
- v) Standard of life enjoyed by the wife in the matrimonial home.*
- vi) Any employment sacrifices made for the family responsibilities.*
- vii) Reasonable litigation costs for a non-working wife.*
- viii) Financial capacity of the husband, his income, maintenance obligations, and liabilities.”*

While in the case of *Rajnesh* (supra) the Hon'ble Apex Court has laid the following:

“78. The factors which would weigh with the court inter alia are the status of the parties; reasonable needs of the wife and dependent children; whether the applicant is educated and professionally qualified; whether the applicant has any independent source of income; whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home; whether the applicant was employed prior to her marriage; whether she was working during the subsistence of the marriage; whether the wife was required to sacrifice her employment opportunities for nurturing the family, child rearing, and looking after adult

members of the family; reasonable costs of litigation for a non-working wife.”

Thus, following the aforementioned judgments of the Hon'ble Apex court this Court is of the view that amount of maintenance per month for the minor daughter and the wife are to be assessed considering various aspects such as status of the parties both social and financial, reasonable needs of the child and the wife, qualification of the wife and income of the wife. In this present lis the appellant/wife is a school teacher earning nearly an amount of Rs. 50,000/- per month and also considering the fact that the child is pursuing her studies in Class-XII in the science stream and also taking into consideration the fact that the respondent/husband is earning hefty amount as salary and has purchased two flats with garages and also keeping in mind that the husband has to look after his parents of whom the father is suffering from cancer, this Court is of the opinion that Rs. 30,000/- (Rupees Thirty Thousand only) per month for the minor daughter and Rs. 10,000/- (Rupees Ten Thousand only) per month for the wife is to be paid by the respondent /husband.

While fixing the aforementioned amount for maintenance this Court has also taken into consideration the present rate of inflation.

As regards to litigation cost, the respondent /husband is directed to pay Rs. 10,000/- (Rupees Ten Thousand only).

Thus, the said application being **CAN 1 of 2025** is **disposed of** accordingly.

Let the matter appear under the heading "Application" on March 23, 2026.

(Sabyasachi Bhattacharyya, J.)

(Supratim Bhattacharya, J.)