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CRR No. 3533 of 2024

In Re: Swarup Mukherjee

Mr. Krishnendu Bhattacharya
Mr. Priyankar Ganguly
Ms. Shalini Bairagi
Mr. Rounak Majumdar
.... For the Petitioner

The petitioner who is the husband of the private opposite party is aggrieved by the order passed by the learned Additional Sessions Judge, 4th Court, Alipore in Criminal Appeal no. 34 of 2024 under Section 29 of the Protection of Women from Domestic Violence Act on 31st July, 2024 affirming the order passed by the learned Judicial Magistrate, 3rd Court, Alipore dated 17th November, 2023 in A.C. Case no. 2090 of 2020. The said order directs the petitioner to pay monthly maintenance of Rs. 10,000/- to the opposite party and the child.

Learned counsel for the petitioner has drawn the attention of the Court to the application filed by the opposite party before the learned trial Court wherein she stated on affidavit that she is a housewife and has no income of her own. In the affidavit of assets and liabilities filed by the opposite party before the learned trial Court, her income is not reflected. However, in reply to an application made by the petitioner under the Right to Information Act, it was learnt that the opposite party is an employee of Retail Hub Solutions Limited and has contributed Rs.13,448/- towards

Employees' State Insurance account for the period August, 2017 to September, 2022. It is relevant to note that the application was filed before the learned trial Court on 11th December, 2020. The order passed by the learned trial Court was carried in appeal by the petitioner and by an order impugned dated 31st July, 2024, the appeal was dismissed affirming the order of the learned trial Court.

Since the petitioner has alleged suppression of material facts by the opposite party who did not approach the learned trial Court with clean hands, the matter needs to be heard on merits.

The petitioner is directed to serve copy of the application along with annexure thereto upon the opposite parties and file affidavit of service on the adjourned date.

Let the matter appear under the heading 'Contested Application' in the monthly list of December, 2024.

The order/judgment impugned dated 31st July, 2024 passed by the learned Sessions Judge, 4th Court, Alipore in Criminal Appeal no. 34 of 2024 and the order dated 17th November, 2023 passed by the learned Judicial Magistrate, 3rd Court, in A.C. case no. 2090 of 2020 be stayed till 24th December, 2024 or until further orders, whichever is earlier subject to the petitioner continuing to pay maintenance of Rs.6,000/- per month to the opposite party and the child. The maintenance for each month shall be paid within the 10th day of each succeeding month. In the event the petitioner fails to pay such maintenance for any month, the interim order shall automatically stand vacated. The

connected execution case, if any, is also stayed until further orders.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)