

19.11.2025
Ct. No. 6
Sl. No.9
skg

C.O. No. 3909 of 2025

Sukriti Kumar Bowali
Vs.
Papiya Bowali

Mr. Kishal Chatterjee,
Mr. Pritam Roy,
Ms. Triparna Roy

.....for the petitioner.

Service upon the opposite party, affidavit on service has been filed on the next date. The learned Additional District Judge 3rd court Barasat, 24th Paraganas (North) prima facie, appears to have erred in not taking its consideration that Rs.15000/- was already being paid towards maintenance, pursuant to an order passed under Section 125 of the Code of Civil Procedure being Misc. Case 668 of 2018, and how the same should be treated.

The law is that, while granting maintenance the court has to set off any amount that may have been awarded to the wife in any other proceeding or the court should record that, in case there are other orders awarding maintenance, the higher amount should be paid. Otherwise, the court may also hold that the amount awarded is in addition to what was already awarded. The order is silent on such issue and as such the matter has to be heard upon appearance of the wife.

Stay of operation of the order for a period of three months or until further orders whichever is earlier. The husband shall pay a lump sum amount of Rs.1 lakh to the wife within 10 days from date.

Let this matter appear in the list on 3rd December, 2025.

Service upon the opposite party and also the learned Advocate on behalf of the wife.

(Shampa Sarkar, J.)