

**19.11.2024
Ct. No. 22
Sl. No.15
KB**

**In The High Court at Calcutta
Civil Revisional Jurisdiction
Appellate Side**

CO 4266 of 2023

**Suman Sen
-versus-
Priyanka Sen (Dutta)**

**Mr. Debdutta Basu
... For the petitioner.**

1. Affidavit of Service filed in Court today is taken on record.

2. This revisional application has been filed assailing the order no.15 dated 27.09.2023 passed by the Learned 3rd Additional District Judge, Alipore in connection with Misc. Case No. 206 of 2021 arising out of MAT Suit No.1305 of 2020.

3. Learned Judge, dispose of an application under Section 24 of the Hindu Marriage Act promulgating the direction upon the husband/petitioner herein to pay a sum of Rs.15,000/- to his wife/opposite party herein pendente lite from the date of filing the application.

4. Learned Counsel appearing on behalf of the petitioner has submitted that at the time of determining the maintenance pendente lite Learned Judge did not consider the maintenance order passed in connection with Protection of Women from Domestic Violence Act, 2005.

5. It is submitted that the Trial Court passed an order of maintenance to the tune of Rs.8,000/- per month

and that was challenged before the Appellate Court and the amount was reduced to Rs.7,000/- per month.

6. It is further submitted that the petitioner is paying maintenance of Rs.7,000/- per month regularly to the opposite party.

7. It is contended that the Learned Judge passed the impugned order ignoring the amount determined by the Appellate Court under the Protection of Women from Domestic Violence Act, 2005.

8. Considering the facts and circumstances, the order impugned be stayed till the last week of December or until further order whichever is earlier subject to payment of Rs.8,000/- per month as maintenance to the opposite party pendente lite from the date of application under Section 24 of the Hindu Marriage Act.

9. All arrears has to be paid by three equal instalments within eight weeks.

10. The petitioner is directed to file affidavit of service on the returnable date.

11. Let the matter be listed on 12th December, 2024.

(Bibhas Ranjan De, J.)