

09.01.2026

Serial no. 2

[G.S.D]

**IN THE CIRCUIT BENCH
AT JALPAIGURI**

CRR 305 of 2025

In the matter of : Ramkrishna Modak

... Petitioner(s)

Mr. Swarup Das

... for the Petitioner(s)

Mr. Nilay Chakraborty, APP

Mr. Aniruddha Biswas

... for the State - respondent(s)

Ms. Suman Sehanabis

... for the opposite party no. 2

Learned advocate for the petitioner has challenged the Judgment and Order passed by the learned Additional Sessions Judge, 2nd Court, Cooch Behar in Criminal Appeal No. 15 of 2024.

The grievance of the petitioner is in respect of enhancement of the quantum of maintenance which was granted by the learned Sessions Judge.

The records of the case reflect that the learned Magistrate in Misc. (DV) Case No. 16 of 2023 was pleased to award maintenance of Rs. 5,000/- along with the provisions of alternate residential accommodation.

Both the parties were called for to present their accounts whether there were any dues in respect of the maintenance order passed, while the learned advocate for the petitioner submits that the amount of Rs. 1,43,000/- has been paid. On the other hand, learned advocate for the o.p. no.2 submits that she has received

a sum of Rs. 1,13,000/- and the majority of the amount was paid in the matrimonial suit.

Having considered the subject-matter of the present revisional application, I am of the view that the revisional application cannot be decided without exchange of Affidavits as there is no averment in respect of the matrimonial suit or any payment made in the matrimonial suit. There is no averment also in the revisional application in respect of the payment which has already been made or is being made till date.

Having considered the same, I direct the o.p. no.2 to file her Affidavit-in-opposition preferably within a period of four weeks from date; reply, if any thereto, be filed within two weeks thereafter.

List the revisional application under the heading 'Contested Application' in the available Circuit Bench in the month of March, 2026.

The petitioner would be at liberty to pray for interim order after exchange of Affidavits.

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

(Tirthankar Ghosh, J.)