

13.09.2024  
Sl. No.2  
Court No.3  
Sk/sg

**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI**

**C.R.R. 252 of 2024  
(CRAN/1/2024)**

**Somesh Gurung  
Vs.  
Neelima Chettri**

Mr. Milindo Paul  
Mr. Nabankur Paul  
Ms. Sutapa Sen Paul  
Ms. B. Bose  
Mr. Subham Das  
Mr. B. Ghosh

.....for the petitioner

None appears for the opposite party in spite of service of notice.

CRAN/1/2024 by the petitioner is to seek condonation of delay of 519 days in filing the present case in this Court.

Considering the grounds as pleaded therein and finding those as sufficient, the petitioner's prayer in CRAN/1/2024 is allowed. The delay of 519 days is condoned.

CRAN/1/2024 is disposed of.

The petitioner has moved this case to challenge the order of the Additional Chief Judicial Magistrate, Kurseong dated December 14, 2022 and the order dated July 28, 2023 in MR Case No. 14 of 2021, thereby allowing maintenance to the opposite party no. 2 under Section 125 of the Cr.P.C. to the tune of Rs.20,000/- per month.

It is submitted that the maintenance allowed is half of the salary received by the petitioner, which is harsh for the petitioner as well as not in tune with the settled principles of law for grant of maintenance.

Let a notice be served upon the opposite party as regards the pendency of CRR/252/2024.

Let an affidavit of service be filed in Court on the next date.

The operation of the order as above of the Magistrate directing payment of maintenance to the tune of Rs.20,000/- per month shall remain stayed until further orders in this regard, subject to the petitioner paying the opposite party no. 2, a sum of Rs.10,000/- per month.

It is made clear that at the time of judgment in this case, the said sum shall be eligible to be adjusted from the sum of maintenance allowable to the opposite party, if any.

It is also mentioned that in default by the petitioner in payment of this interim amount, the order of stay of proceedings, as above, shall be liable to be vacated without further reference to the petitioner.

Let the matter be placed before the next Circuit Bench.

**(Rai Chattopadhyay, J.)**