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SLP(Crl.)No. 3427 OF 2001

ITEM No.34

Court No.10

SECTION II
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 3427/2001

(From the judgement and order dated 26/06/2001 in CRR 286/2001
of The HIGH COURT OF CALCUTTA)

BASANTA PAT GIRI

Petitioner (s)

VERSUS

DIPABATI PAT GIRI @ DURGANI @CHAKRABORTY

Respondent (s)

(With Appln(s). for stay and vacating stay)

Date : 21/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE U.C. BANERJEE
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s)

Mr. Ranjan Mukherjee, Adv.

For Respondent (s)

Mr. M.P. Shorawala, Adv.
Mr. B.B. Sinha, Adv.
Mr. R.C. Verma, Adv.
Mr. K.C. Lamba, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J.

.SP2

Leave granted.

The appeal is disposed of in terms of the
signed order.

.SP1

(K.K. Chawla)
Court Master

(D.D. Jindal)
Assistant Registrar

[Signed order is placed on the file]

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.....L.....I.....T.....T.....T.....T.....T.....T.....J

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.103 OF 2002@@

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(ARISING OUT OF SLP (CRIMINAL) NO.3427 OF 2001)

BASANTA PAT GIRI ... APPELLANT (s)

VERSUS

DIPABATI PAT GIRI @ DURGANI @ CHAKRABORTY ... RESPONDENT (s)

O R D E R@@
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.SP2

Leave granted.

Upon hearing the submissions made on behalf of the parties, we do feel it expedient to dispose of this appeal on the short issue of arrear maintenance. Considering the amount of money and considering the factum of enhancement by the High Court without there being any separate appeal therefor by the respondent and having regard to the submissions of Mr. Mukherjee that his client is now paying even at the enhanced rate, we do not think it fair and reasonable to direct payment of arrear maintenance. In that view of the matter, the question of payment of any arrears would not arise and the impugned order of the High Court stands modified to the extent that the payment is to be made from the date of the judgment of the High Court without there being any arrears. The appeal is disposed of accordingly.

.SP1

.....J.
(U.C. Banerjee)

.....J.
(Y.K. Sabharwal)

New Delhi,
January 21, 2002.