

**Narayan Ch. Das Vs. Madhabi Das**

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**Court :** Kolkata

**Decided On :** Mar-23-1999

**Reported in :** II(1999)DMC131

**Judge :** Nure Alam Chowdhury, J.

**Acts :** [Code of Criminal Procedure \(CrPC\) , 1973](#) - Section 125

**Appeal No. :** C.R.R. No. 2320 of 1998

**Appellant :** Narayan Ch. Das

**Respondent :** Madhabi Das

**Advocate for Def. :** B.L. Chakraborty and ;M.R. Karmakar, Advs.

**Advocate for Pet/Ap. :** Dipak Sengupta and ;Pratik Bhattacharya, Advs.

**Judgement :**

**Nure Alam Chowdhury, J.**

1. This revisional application on behalf of the petitioner-husband is directed against the judgment and order dated 10.7.1998 passed by the learned Addl. Sessions Judge, 9th Court, Alipur in Crl. Motion No. 476 of 1997, arising out of a revisional application by the wife-opposite party herein against the judgment and order dated 26.11.1997 passed by the learned Additional Chief Judicial

Magistrate, Alipore, South 24 Parganas in T.R. No. 08/97 (Crl. M. 476/97) dismissing the Misc. case on contest arising on the application under Section 125, Criminal Procedure Code by the wife opposite party praying for awarding maintenance allowance of Rs. 1,500/- per month in her favour. However, the learned Judge by the impugned judgment allowed the Criminal Motion on contest with cost of Rs. 500/- against the petitioner-husband before this Court, set aside the judgment and order of the learned A.C.J.M., Alipore and ordered that the wife do get a maintenance of Rs. 2,500/- per month from the husband towards maintenance from the date of filing of the petition and first of such payment, month by month, shall be made on and from 30th July, 1998 and the arrear of maintenance shall be paid in 20 equal monthly instalments alongwith current maintenance.

2. Heard the learned Advocates for the parties. Perused the records.

3. There is no dispute about the valid and legal marriage between the parties and from the evidence on record it transpires that the petitioner husband has sufficient income to pay the maintenance allowance of Rs. 1,500/- per month as prayed for by the wife-opposite party.

4. In the circumstances the revisional application is partly allowed and the impugned order is modified to this extent that the petitioner-husband shall pay to the wife-opposite party maintenance allowance of Rs. 1,500/- (fifteen hundred) per month payable from the date of filing of the application under Section 125, Criminal Procedure Code before the learned Magistrate the first of such monthly payment to be made within the 15th of April and thereafter within the 15th of each succeeding month, month by month. The petitioner shall also pay monthly instalment of Rs. 1,000/- per month for the arrear of maintenance alongwith the current maintenance allowance, till the entire arrear of maintenance is liquidated, the order for payment of cost of Rs. 500/- as contained in the impugned order remains unaltered.

5. The revisional application stands disposed of as above and the interim order passed by this Court in the case stands vacated.

There will be no further order for costs in this Court.

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