

(2000) 02 CAL CK 0017

Calcutta High Court

Case No: C.R.R. No. 1283 of 1999

Haridas Bhattacharjee

APPELLANT

Vs

Smt. Suparna Bhattacharjee and
Others

RESPONDENT

Date of Decision: Feb. 2, 2000

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 125
- Hindu Marriage Act, 1955 - Section 24

Citation: (2000) 2 DMC 611

Hon'ble Judges: P.K. Sen, J

Bench: Single Bench

Advocate: Dipankar Dhar and D. Sarkar, for the Appellant;None, for the Respondent

Judgement

P.K. Sen, J.

This revision application is at the instance of the husband and is directed against an order dated 30th March, 1999 passed by the Judicial Magistrate, 5th Court, Sealdah in M. Case No. 34/96.

2. In a proceeding u/s 125 of the Cr.P.C. there was an order for maintenance in favour of the wife and the husband was directed to pay Rs. 500/-per month. In another proceeding, there was an order for alimony pendente lite which was made u/s 24 of the Hindu Marriage Act. The learned Advocate moving this application submits that the husband should not be made liable for both the payments. None appears on behalf of the wife although notice appears to have been duly served.

3. Now to meet the ends of justice, I direct that the order passed by the learned Magistrate with regard to maintenance u/s 125, Cr.P.C. shall be kept in abeyance so long the wife gets alimony pendente lite u/s 24 of the Hindu Marriage Act. The order made u/s 125, Cr.P.C. will become operative as soon as the order u/s 24 ceases to exist.

4. It is submitted before me that the husband already deposited huge amount on both the counts. Therefore, the husband is given liberty to make a prayer before the learned Magistrate which shall take into account as to what amount in excess was paid and if any excess amount was paid, it may be adjusted against the payment made u/s 24, of the Hindu Marriage Act.

5. With these observations, the revision application is disposed of.