

Order No.7
dated 18.07.2018

The record is taken up for passing Order upon an application under Section 36 of the Special Marriage Act filed by the petitioner/wife praying for alimony pendente lite in the sum of Rs.32,000/- per month for herself and a sum of Rs.21,870 for the minor daughter and also litigation cost to the tune of Rs. 1,00,000/-.

It is contended by the respondent/wife that the marriage between the parties was solemnized on 20.01.2005 under Special Marriage Act in accordance with Hindu rites and customs. After the marriage both parties led their conjugal life at 58, Raja Ramchand Ghat Road under P.S-Dum Dum and from their wedlock a male child on 19.07.2006 who is now aged about 12 years and studying in class-VI of Assembly of God Church School, Park Street at Kolkata and under compelling circumstances she has been living separately with her minor child. . It is further contention of the respondent/wife that the petitioner/husband is an employee of Reliance Communications Infrass Ltd and he earns Rs.1,25,463/- per month towards salary.

The respondent/husband contested the application by filing Written Objection wherein he categorically denied that he earned Rs.1,25,463/- per month from his employment of Reliance Communications Infrass Ltd which is at present giving lot of lay off and he had been shifted from one department to another for which he is passing her days with mental pain and agony having financial stringency. It is further stated that the allegations made against him in the application filed by the respondent/wife are all false, fabricated and concocted story and made with a purpose to cast a shadow on the wild extra-vagant and reckless life of the respondent/wife.

Having considered the rival contentions made by the parties as well as the documents filed by them in support thereof with regard to their income, status and liabilities, I find that the petitioner/husband is an employee of Reliance Communications Infrass Ltd. No cogent document has come forward from the side of the husband that the respondent/wife

has got sufficient income to support herself and the minor son. In the given circumstances, I find it would be justified to award alimony to the respondent/wife in the sum of Rs.20,000/- per month and Rs.15,000/- per month for the maintenance of minor children, with effect from the date of this order, together with litigation cost of Rs.25,000/- at this stage.

Hence, it is

O r d e r e d

That the application under Section 36 of the Special Marriage Act is allowed on contest.

The petitioner/husband is directed to pay Rs.20,000/- per month and Rs.15,000/- per month for the maintenance of minor child, with effect from the date of this Order and a litigation cost of Rs.25000/- .

It is further directed that alimony for every current month commencing from the month of July, 2018 shall be paid within 10th of every succeeding month from the date of this order. It is also directed that the litigation cost shall be paid within two months from the date of this Order.

To **14.11.2018** for reconciliation.

Dict. & corrected by me,

3rd Addl. District Judge

3rd Addl. District Judge

Barasat