

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).225 OF 2020 @ SLP(CRL) NO.1001/2020  
(ARISING FROM DIARY NO.28488/2019)

JUTHIKA GHOSH

APPELLANT(S)

VERSUS

TAPAS GHOSH & ANR.

RESPONDENT(S)

O R D E R

1. Delay condoned.
2. Leave granted.
3. This appeal takes exception to the judgment and order dated 1<sup>st</sup> April, 2019 in C.R.R. No.2116 of 2018 passed by the High Court of Calcutta, whereby the direction issued by the trial Court and First Appellate Court to pay maintenance amount @ Rs.5,000/- (Rupees five thousand only) per month from the date of filing of maintenance petition came to be modified to that of the date of the order passed by the trial Court on 30.01.2016.
4. The High Court has not assigned any reason for modifying the direction issued by the trial Court and by the First Appellate Court, in particular, to pay the maintenance amount from the

date of filing of the maintenance petition. The High Court in its order has merely observed thus:-

“Upon consideration of the rival submissions, as raised by both the parties in this case, the Court is of the view that a little modification of the order impugned will, however, cause no prejudice to either of the parties to this case. Thus, if such an order granting maintenance is passed with effect from the date of order instead of date of filing of this application, that would, however, facilitate the revisionist-father to liquidate the outstanding due, if there be any, without making any departure, as supposed to be paid by him monthly in order to ensure a modest living to his son.”

5. This is no reason to modify the well considered direction issued by the trial Court and more so by the First Appellate Court. As a result, the modification order passed by the High Court which is impugned in this appeal is set aside. Resultantly, in terms of the present order, respondent No.1 will be liable to pay maintenance amount from the date of filing of the maintenance

petition in 2008 after adjusting the amount already paid towards maintenance to the appellant for the relevant period, within three months from today.

6. The appeal is allowed and the pending application(s), if any, are disposed of accordingly.

....., J.  
(A.M. KHANWILKAR)

....., J.  
(DINESH MAHESHWARI)

NEW DELHI  
FEBRUARY 04, 2020

ITEM NO.4

COURT NO.7

SECTION II-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 28488/2019

(Arising out of impugned final judgment and order dated 01-04-2019 in CRR No. 2116/2018 passed by the High Court At Calcutta)

JUTHIKA GHOSH

Petitioner(s)

VERSUS

TAPAS GHOSH &amp; ANR.

Respondent(s)

( IA No.154137/2019-CONDONATION OF DELAY IN FILING and IA No.154140/2019-EXEMPTION FROM FILING O.T. and IA No.154139/2019-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS )

Date : 04-02-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Rauf Raheem, Adv.  
Mr. Rajib Kumar Jha, Adv.  
Mr. Joydeep Mukherjee, AOR

For Respondent(s) Mr. Chanchal Kumar Ganguli, AOR  
Mr. Prasad Bagchi, Adv.

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

Delay condoned.

Leave granted.

The appeal is allowed and the pending application(s), if any, are disposed of in terms of the signed order.

(NEETU KHAJURIA)  
COURT MASTER

(VIDYA NEGI)  
COURT MASTER

(Signed order is placed on the file.)