

(2019) 12 CAL CK 0099

In the Calcutta High Court

Case No : Civil Order/Misc.Cas (CO) No. 3245 Of 2019

Tuhin Sanyal

APPELLANT

Vs

Roshni Sanyal (Roy)

RESPONDENT

Date of Decision : 02-12-2019

Acts Referred:

Constitution Of India, 1950 — Article 227

Citation : (2019) 12 CAL CK 0099

Hon'ble Judges : Protik Prakash Banerjee, J

Bench : Single Bench

Advocate : Goutam Mishra, Nilendra Narayan Ray, Somoshree Saha, Asish Ch. Bagchi, Somah Sankar Lahiri

Final Decision : Dismissed

Judgement

Protik Prakash Banerjee, J

This petition under Article 227 of the Constitution of India is directed against the order no. 34 dated July 04, 2019 passed by the learned Additional District Judge (FTC-1), Sealdah in Mat. Suit No. 133 of 2017.

The main grievance of the husband-petitioner in this petition is that he was not consulted by his wife while fighting a matrimonial suit with him and got their daughter admitted to Delhi Public School, Megacity.

According to the husband-petitioner, a Professor earning admittedly around Rs. 59,760/- per month according to the salary certificate produced before me by his learned advocate today, is not in a position to pay half of the amount of Rs. 1,79,150/-, which was directed by the learned Court below to be paid by him by the impugned order. He submits that his wife makes at least Rs. 2,00,000/- per month and so she should be burdened with the entire costs of having their child studied at a reputed school like Delhi Public School, Megacity in Salt Lake.

It is his further case that the opposite party resides mostly out of India and so

the child is looked after by her maternal grandparents.

Today when the matter was being contested, I asked the learned advocate for the petitioner to apprise me of which school he would prefer had he been consulted. Learned advocate for the petitioner turned around and took instructions from the mother of his client. I take judicial notice of the fact that neither party appears to have sufficient care for the welfare of the child to be present in Court when something as important as the amount of expenditure for the child's education is involved.

From the conduct of the petitioner, it is clear that he found it very easy to bring a new life into the world without caring to look after the child's welfare. This is more pathetic since he is the father of a daughter and appears to be more interested in litigating about the expenses than the welfare of the minor.

To come back to my question, the learned advocate for the petitioner, on instructions, first submitted that there were many other schools in Barrackpore without giving me the details and then submitted that his client would have preferred Loreto, Bowbazar over Delhi Public School, Megacity. That answer speaks volumes about the quality of welfare he believes is important for his daughter. He would rather desire that his daughter go to school and study in a place, which is in the middle of a congested place, almost a baazar and after the school gave over, she would have to come out negotiating her way through the fish eye stares of malevolent male scrutiny from a tender age rather than a relatively vacant and genteel neighbourhood.

That apart, I have gone through the order impugned and find that the learned Court below has considered all relevant materials, which are on record and has not considered any material, which is irrelevant warranting interference.

Accordingly, the petition is dismissed. In view of the unreasonable stand taken by the husband-petitioner, he shall pay costs of Rs. 5,000/- to the wife-opposite party.

Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously.