

DISTRICT: BANKA

Bibi Najrana Khatoon Vs. Md. Ejaj Ansari

**IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT, BANKA**  
**MISC.(MAINTENANCE )CASE NO. 158 OF 2023**

**In the matter of:**

Bibi Najrana Khatoon aged about 23 years, W/o- Ejaj Anasari, r/o- Baina Mohanpur, P.O. Dahua, P.S. Bounsi, District- Banka. At present- D/o- Sahul Ansari, r/o- Baina Mohanpur, P.O. Dahua, P.S. Bounsi, Banka.

.....Petitioner

Versus

Md. Ejaj Ansari aged about 27 years, S/o- Rakim Ansari, r/o- Baina Mohanpur, P.O. Dahua, P.S. Bounsi, Banka.

.....Opposite Party

**Present: Dharmendra Jha**  
**Principal Judge, Family Court, Banka**  
**Banka, Dated the 16<sup>th</sup> day of March, 2026**

For the petitioner : Mr. Anandi Yadav, Advocate

For the Opposite Party : Nil.

**O R D E R**

1. This petition has been filed by the petitioner/wife against her husband/opposite party U/s 125 of the Code of Criminal Procedure, 1973 with a prayer to grant maintenance of Rs. 10,000/- per month for her maintenance.

2. The case of petitioner, in brief is that, she got married with opposite party according to Muslim rites and rituals and they started leading conjugal life. They lived happily together for a period of two years, thereafter, O.P. and his family members started demanding dowry from petitioner and her father and due to non-fulfillment of the same, petitioner was driven out from the matrimonial house by O.P./husband and sasural people. Panchayati was held between the parties to restore their conjugal life but in vain, having no option on 18/11/2023 petitioner lodged a case in Banka(Mahila) Police station vide Mahila P.S. Case No. 30/2023 under section 498A, 323, 504, 506/34 of I.P.C. and  $\frac{3}{4}$  of D.P. Act which is sub-judice before the Id. Court of S.D.J.M., Banka. The petitioner is housewife and she has no source of income and she has been living at his father's house for about two years. It is further stated that O.P. works as tailor at Handuloom Company in Mumbai and earns Rs. 50,000/- per month. The parents of the petitioner is poor and unable to maintain her. The petitioner has no source of income and she is totally dependent on her husband/O.P.

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Accordingly, it has been prayed that O.P be directed to give Rs. 10,000/- per month maintenance to the petitioner.

3. After admission of this case notices were sent to O.P. through Nazarat as well as registered post, but O.P. did not appear before the court. Thereafter record was proceeded ex-parte against O.P. on 03/05/2025 and fixed for ex-parte evidence of the petitioner.

4. On behalf of petitioner, altogether two witnesses have been examined. The petitioner has been examined as APW-1 and Bibi Afroja Khatoon has been examined as APW-2.

Besides the oral evidence, the petitioner has not got exhibited any documents in support of her case.

5. The evidences of witnesses on behalf of petitioner, in brief are as follows;-

APW-1, is petitioner herself and she deposed that she married with O.P. in the year 2021 according to Muslim rites and rituals and she went to her matrimonial house and she resided there for a short span of 2-3 months, thereafter, she was driven out from the matrimonial home after assaulting. She further deposed that after marriage her husband/O.P. works as tailor in company in Mumbai and at present he works as driver and earns Rs. 50,000/- per month. She further deposed that after marriage, her husband/O.P. did not give a single penny to her for maintenance. She is presently living at parents house. She further deposed that when she was driven out from the matrimonial home, then, she lodged a case bearing Banka(Mahila) P.S. Case NO. 30/2023. She further deposed that she filed this case for maintenance. Her father is poor and ailing and he is not a condition to maintain her. Further it is stated that she needs Rs. 25,000/- per month for her maintenance.

APW-2 Bibi Afroja Khatoon, is mother of the petitioner. She deposed that her daughter/petitioner married with O.P. about four years ago with O.P. Her daughter/petitioner went to matrimonial home and resided there for a short span of 2-3 month, thereafter, sasural people of her daughter started demanding dowry and due to non-fulfillment of the same her daughter/petitioner was driven out from the matrimonial home. Her daughter is residing in house for about four years and since then her son-in-law/O.P. has not given a single penny to her daughter/petitioner for maintenance. Her son-in-law/O.P. works in Mumbai and earns Rs. 50,000/- per month. Her daughter/petitioner is illiterate and she has no source of income. Her son-in-law/O.P. has agricultural land from which he gets income. Further it is stated that her daughter/petitioner claimed Rs. 10,000/- per month for maintenance.

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6. The evidence of A.P.W.-01 and A.P.W-02 establish that petitioner namely Bibi Najrana Khatoon was married with O.P. namely Md. Ejaj Ansari in the year 2021. Petitioner Bibi Najrana Khatoon deposed that her husband is driver in Mumbai. Both the witnesses in unison deposed that O.P. works as Mumbai and earns between Rs. 50,000/- per month. From the evidence of witnesses it is crystal clear that petitioner is legally wedded wife of O.P. The Petitioner is residing at her parents house. The Petitioner has no source of income and she is unable to maintain herself. So far as income of the O.P. is concerned, besides oral evidence any chit of paper has not been filed to establish that he has income of Rs. 50,000/- per month. In the affidavit filed by the petitioner, it is stated that her monthly expenses are Rs. 10,000/- and in the column of other spouse it is mentioned that her husband/O.P. works in private company and earns Rs. 50,000/- per month. There is nothing to show that O.P. is suffering from any deformity. The O.P. being able bodied person can earn even on daily wages to maintain his wife/petitioner. The prevalent rate of daily wages of skilled labour in Bihar is around Rs. 13,494/- per month. The OP, being husband of petitioner, is legally bound to maintain his wife. Accordingly, this court is of view that rupees 45,00/- per month maintenance from the date of filing of this petition.

7. Having regard to facts and circumstances of the case as discussed above as well as material available on record this court is of the view that the petitioner is entitled for maintenance U/s 125 Cr.P.C. Accordingly, the O.P. (husband) is directed to pay the petitioner(wife) Rs. 45,00/- per month for maintenance of the petitioner from the date of filing of this petition(i.e. 19/12/2023). The O.P. is directed to pay the monthly maintenance amount by 10<sup>th</sup> day of every next month. The petition is allowed in the aforesaid terms.

Dictated & corrected by me.

(Dharmendra Jha)  
Principal Judge,  
Family Court, Banka.

(Dharmendra Jha)  
Principal Judge,  
Family Court, Banka.