

Maintenance Case No.236/2023

Sahina Khatoon, W/o- Md. Seraj, Village- Bathna, P.S- Mehshi, District- East Champaran. Present Address:- D/o- Mokhtar Ansari, Village- Pipra Khem, P.S- Kalyanpur, District- East Champran.

-----Petitioner

-Versus-

Md. Seraj, S/o- Samsul Haque, Village- Bathna, P.S- Mehshi, District- East Champaran.

-----Opposite Party

Argument of petitioner:-20.05.2026

Argument of Opposite Party:-Not appeared.

Date of Judgment:-17.06.2026

Present:

**Esrar Ahmed,
Principal Judge, Family Court,
East Champaran, Motihari.**

Appearance

For the Petitioner: Sri. Sujit Kumar, Ld. Advocate

For the Opposite Party: None

EX-PARTE ORDER

Introduction

1. This maintenance case has been filed on behalf of the petitioner, Sahina Khatoon against her husband/Opposite Party, Md. Seraj (hereinafter referred to as the O.P) for grant of maintenance of Rs.30,000/- per month for herself and for her two minor children.

Brief Facts

2. The brief facts of the case as stated in the maintenance case filed by the petitioner is that the marriage of the petitioner and the O.P was solemnized on 15.09.2017 according to Muslim rites and customs and after marriage she came to her matrimonial home and started her conjugal life with the O.P and got blessed with two children namely Dilshan and Danish Alam. It is further pleaded that after sometime of marriage the O.P and his family members started demanding a motorcycle and cash of Rs.5 Lakhs as dowry and due to non-fulfillment of the aforesaid dowry demand

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they started torturing the petitioner. It is further stated that the petitioner kept on pleading before the O.P and his family members that her parents are not in a position to meet the dowry demand but the behaviour of the O.P and his family members did not change and they kept on torturing the petitioner and lastly on dated 01.06.2023 they ousted the petitioner from her matrimonial home along-with her two minor children. The petitioner is unable to maintain herself as well as her two minor children as she has no any source of income whereas the O.P lives in Saudi Arab and earns Rs.80,000/- per month and apart from that he has 2 bigha agricultural land from which he earns Rs.2 Lakhs per annum.

3. After admission of the case, notice was issued to the O.P but even-after valid service of notice the O.P did not appear in this case there-after the case was put up for ex-parte evidence of the petitioner.

Point for Determination

4. Now point for determination in this case is as follows:-
- I. Whether the petitioner is entitled to any maintenance amount from the O.P?
 - II. If issue no.1 is decided in favour of petitioner then to what amount she is entitled for the maintenance?

Evidences and Findings

5. In order to prove its case altogether two witnesses have been examined on behalf of the petitioner:

SL.No-	Name of Witnesses-	Nature of Witnesses-
P.W 1	Sahina Khatoon	Petitioner herself.
P.W 2	Dildar Alam	Brother of the petitioner.
P.W 3	Gautam Kumar	Acquainted with the petitioner.

6. P.W No.1, Sahina Khatoon, who happens to be the petitioner in this case and she deposed her evidence in examination-in-chief as the evidence on affidavit by supporting the claim as stated in her maintenance petition and in the cross-examination by the court she stated that out of the

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said wedlock with the O.P she has two children who are aged about six and four years respectively and due to unavailability of her husband her in-laws used to torture her due to which she came back to her parents house along-with her younger son. She further stated that her husband has kept her elder son forcefully. She further deposed that on temporary basis she works in a hospital by which she maintains her one son. She further deposed that her husband do the work of labour and earns Rs.80,000/- per month. She further stated that if her husband/O.P will keep her in well condition then she is ready to live with the O.P.

P.W No.2, Dildar Alam, happens to be the brother of the petitioner and P.W.No.3, Gautam Kumar who is acquainted with the petitioner confirmed the version of the petitioner by supporting the claim of the petitioner as per the maintenance petition in their examination-in-chief adduced as evidence on affidavit as well in the cross-examination.

7. During the pendency of the case the petitioner filed her affidavit regarding assets and liabilities in which she stated that the O.P is Graduate and earns Rs.80,000/- per month.

Arguments

8. Learned counsel for the petitioner submitted that the petitioner is living in her parents house along-with two minor children and she has no any source of income. Whereas the O.P lives in Saudi Arab and earns Rs.80,000/- per month and apart from that he has 2 bigha agricultural land from which he earns Rs.2 Lakhs per annum, therefore, the O.P has sufficient means and financial capacity to maintain the petitioner. None appeared on behalf of the O.P for ex-parte argument.

Decision with reasons thereon

9. The primary object of the provision of Section 125 of the Code is to prevent vagrancy and the provision of Section 125 of the Code provides a speedy remedy to the needy wife, children and parents who may not be left in a helpless state of distress, destitution and starvation. In-fact,

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it is the sacrosanct duty of the husband to render the financial support if is able bodied. The petitioner is living at her parents house along-with two minor children and no effort has been made by the O.P to bring her back with him.

10. From the appreciation of evidence on record of the case it transpires that the petitioner has no any independent source of income and the O.P lives in Saudi Arab and earns Rs.80,000/- per month and apart from that he has 2 bigha agricultural land from which he earns Rs.2 Lakhs per annum and it is his legal duty to maintain his wife and his minor children. Therefore, the petitioner is entitled for maintenance and it only remains to be decided as the quantum amount of maintenance to be given by the O.P to the petitioner.

11. The test for determination of maintenance in matrimonial dispute depends on the financial status of the O.P and the standard of living that the applicant was accustomed to in her matrimonial home. The maintenance amount awarded must be reasonable and realistic and avoid either of the two extremes i.e. maintenance awarded to the wife should neither be so extravagant which becomes oppressive and unbearable for the O.P, nor should be so meager that it drives the wife to penury. The sufficiency of the quantum has to be adjudged so that the wife is able to maintain herself with reasonable comfort.

Conclusion

12. Considering the entire evidence on record and after hearing the argument of learned counsel for the petitioner, this court finds that the petitioner is legally married wife of the O.P and she is unable to maintain herself because she has no any definite source of income and she has been ousted from her matrimonial house by her husband and other family members and presently she is residing with her parents due to torture committed by her in-laws. Whereas, the O.P lives in Saudi Arab and earns Rs.80,000/- per month and apart from that he has 2 bigha agricultural land from which he earns Rs.2 Lakhs per annum as per the statement of the pe-

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tioner but she has not produced any documentary evidence regarding the income of O.P.

Hence it is ordered

13. So, this maintenance case filed by the petitioner is allowed and the O.P- Md. Seraj is directed to pay Rs.5,000/- (Rupees Five Thousand) per month to the petitioner, Sahina Khatoon and Rs.3,000/- (Rupees Three Thousand) per month each to her two minor children, (total Rs.11,000/- per month) (Rupees Eleven Thousand per month) as maintenance amount from the date of filing of this case i.e., **17.06.2023**. The maintenance amount shall be paid on 10th day of each month either in cash or in the bank account of the petitioner-wife if any. The O.P is also directed to pay Rs.5,000/- (Rupees Five Thousand) as litigation cost to the petitioner. The arrear of maintenance amount from the date of filing to the date of disposal of the case shall be paid within six months from today.

(Dictated and corrected by me)

Sd/-
(Esrar Ahmed)
Principal Judge, Family Court,
East Champaran, Motihari
17.06.2026

(Dictated)

Sd/-
(Esrar Ahmed)
Principal Judge, Family Court,
East Champaran, Motihari
17.06.2026