

IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT, GOPALGANJ
MAINTENANCE CASE NO. 143/2024
(C.I.S. No. 143/2024)

Kajal Kumari@Chhoti KumariApplicant

Vs.

Shatrudhan Kumar SahO.P.

Learned counsel for the applicant:

Shri Chunnu Kumar

Learned counsel for the O.P.:

Shri Ramvyas Tiwari

Present :-

Dhirendra Bahadur Singh,
Principal Judge, Family Court,
Gopalganj
Date of order - 16-09-2025

ORDER

16.09.2025

1. Applicant is present with her learned counsel. O.P. is absent. However his learned counsel is present in the court along with father of the O.P. A petition for interim maintenance has been filed on behalf of applicant on 05-06-2025. Rejoinder has been filed on behalf of O.P. on 09-09-2025.
2. Learned counsel for the applicant submitted that she has been leading a miserable life at her MAYAKA. She also submitted that the O.P. tortured her for dowry demand of Rs.2,00,000/- in different ways and ousted her from the matrimonial home on 11.05.2023. O.P. has been working in gulf country and his monthly income is Rs.85,000/- and annual income from agricultural sources is Rs. 5 lakhs. Applicant is unemployed having no means of livelihood. Lastly he submitted that there is urgent need to provide interim maintenance of Rs. 10,000/- per month to the applicant.
3. On the other hand learned counsel for the O.P. submitted that the O.P. has been living his life in a great hardship. He further submitted that the O.P. never ousted the applicant from the matrimonial home rather the applicant herself left the matrimonial home after four days of her BIDAI. Further he submitted that applicant is a Nurse and she works in Patna. He submitted that Applicant contracted another marriage with Sonu Kumar Yadav, R/o-Village Mahran

Ugrasen, P.O.-Mahrani, P.S.-Mahammadpur, District-Gopalganj, who also works in Patna as compounder. He submitted that the O.P. is ready to keep the applicant, but the applicant is not ready to live with the O.P. He submitted that the O.P. belongs to poor family and he has 10 Katha landed property and the O.P. works in abroad and his monthly income is Rs. 15,000/-.He also submitted that father-in-law of the applicant is present in the court and he is ready to take the applicant to the matrimonial home. He also submitted that the case filed U/S 498A I.P.C. by the applicant is based on false facts. Hence prayed to dismiss the petition for interim maintenance.

4. Having heard the submission of the parties and from perusal of case record, it is apparent that the present maintenance case has been filed on 19-06-2024 and the same has been admitted on 24-06-2024. The O.P. appeared in this case on 07-04-2025 after repeated directions. The O.P. appeared in this case when the same has been proceeded ex parte. Reconciliation has already been failed. It is the contention of the applicant that the O.P. ousted her from the matrimonial home. On the other hand it is the contention of the O.P. that the applicant left the matrimonial home on her own and she married another person namely Sonu Kumar and she has been living with him. Photocopy of photograph has also been filed. Surprising enough learned counsel for the O.P. contended that the applicant married another man and on the other hand proposal has been made to take the applicant to the matrimonial home by father-in-law and O.P. is absent. After failure of reconciliation, proposal for taking applicant to the matrimonial home is meaningless. Although further reconciliation may take place in the presence of O.P. and applicant. Criminal case u/s 498A I.P.C. is also pending against the O.P. However the husband is duty bound to maintain his wife. Hence, without going into merit of this case, the O.P. is directed to pay interim maintenance allowance of Rs.3,000/- (Rs. three thousand) per month for the applicant Kajal Kumari @ Chhoti Kumari. The O.P. is directed to pay the amount of interim maintenance of Rs. 3,000/- (Rs. three thousand) of every preceding month by 10th day of the next month. The O.P. is directed to pay Rs. 3,000/- (Rs. three thousand) per month interim maintenance into the bank account of applicant Kajal Kumari @ Chhoti Kumari.

Put up on 13-10-2025 for evidence of the applicant.

Dictated

P.J.