

In the court of Principal Judge, Family Court, Jamui.
Maintenance Case No. 74M/2019

Chandni Devi.....Applicant

Vs

Pikesh Ram.....O.P.

24-02-2021	Petition dated 18-01-2020 for interim maintenance has been filed on behalf of the petitioner/Chandni Devi and rejoinder petition dated 28-01-2021 has been filed on behalf of the opposite party/Pikesh Ram against the said interim maintenance petition. The petitioner has stated in her interim maintenance petition that the marriage of the petitioner was solemnized with the O.P./Pikesh Ram according to Hindu rites, rituals and customs. She has stated that after marriage the petitioner was leading her conjugal matrimonial life with her husband, but her in-laws started torturing her gradually. She has stated that she endured every thing that everything shall be alright in future and in the meantime, the petitioner has given the birth to a female child, whose name is Pihu Kumari, aged about 02 years. She has stated that after counselling the O.P. carried the petitioner and her daughter with him on dated 27-08-2019, but again started torturing and does not want to keep her. She has further stated that the petitioner is an unemployed lady and does not any work and is living with her parents. She has further stated that the parents of the petitioner are poor person, because of which, the petitioner is facing much trouble. She has further stated that the petitioner is ready to live with her husband/Pikesh Ram, on the other hand, the O.P. is a rich man and does the work of Rajmistry, by which O.P. earns Rs. 50,000/- per month as well as earns Rs. 10,000/- per month from agriculture work, therefore, O.P. earns Rs. 60,000/- per month from all sources. She has further stated that the petitioner is facing hardship in maintenance, therefore, petitioner needs interim maintenance Rs. 15,000/- per month. Lastly the petitioner has demanded Rs. 15,000/- per month for the maintenance of the petitioner and her daughter. Whereas the opposite party has filed a rejoinder petition on dated 28-01-2021 against the interim maintenance petition. In his rejoinder petition he has stated that the interim maintenance is not maintainable for	
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24-02-2021 Continued	the petitioner either by the law or by the facts. He has stated that the matter of torture is completely false. He has stated that the O.P. has filed an affidavit on dated 27-08-2019 in this Ld. Court and he wants to carry the O.P. with him from the court and kept her properly with honour, but the petitioner has refused to go with the O.P. from the court and went to her Maike with her mother along with minor daughter, regarding this, the O.P. has submitted the application on dated 07-09-2019 in the Ld. Court, which is attached with the record. He has stated that the father of the petitioner Sri Prakash Ram, along with Kishun Ram and Dilip Ram driven away the petitioner forcefully with them from the house of O.P. regarding this incident, he has filed a case in the court of Sri M.K. Pandey, J.M.-Ist Class, Jamui, U/s- 323, 494, 504, 341, 379, 307/34 I.P.C. He has further stated that the petitioner/Chandni Devi has married with the son of Kishun Ram in village- Goddi, in this situation, the petitioner has no right of interim maintenance. He has stated that O.P. has not any land and he lives with his parents. He has further stated that due to poverty under the Aawas Yojna, he has got a room from the government. He has further stated that he earns his livelihood with his parents any how. After hearing the counsel of parties and going through the record carefully, it appears that a Maintenance case bearing No. 74M/2019 has been filed by the petitioner against the O.P./Pikesh Ram and after that the petitioner has filed an interim maintenance petition on dated 18-01-2020 and in her petition the petitioner has prayed that an order of interim maintenance be passed in her favour. It is an admitted position that the petitioner is legally wedded wife of the respondent/O.P. It is also important that the petitioner is a house wife and unemployed lady and she has no any source of income of her own and she is living in her parent's house in starvation, so the petitioner	
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24-02-2021 Continued	is needed some amount for her maintenance. After consideration of all the facts and circumstances which are available on the record it appears that the husband of the petitioner does the work of mason (Rajmistry), by which O.P. earns Rs. 50,000/- per month as well as earns Rs. 10,000/- per month from agriculture work, so the total income of the O.P. is Rs. 60,000/- per month from all sources. From perusal of the record it also appears that the petitioner has been tortured by her in-laws. It is clear from the petition of the petitioner that she is ready to live with her husband/Pikesh Ram, but the O.P. does not want to keep her, so the petitioner is living in her Naihar along with her minor child in starvation and hardship. So the interim maintenance petition is allowed and O.P. is directed to pay an amount of Rs.3000 /- (Three Thousand Rupees) per month to the petitioner (Chandni Devi) and her minor child as an interim maintenance till the disposal of the final proceeding of the case from the date of filing of the interim maintenance petition (i.e. 18-01-2020). The interim maintenance allowance will be adjusted in final order of the maintenance petition. The case is fixed on datedfor evidence of the petitioner. Dictated Principal Judge, Family Court, Jamui.	
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