

**Present : Vikas Kumar,  
Principal Judge, Family Court, Jamui  
Pg. No. 1 of 6**

**Date of Judgement:- 09.03.2026  
Maintenance Case No. 70M/2025**

-----**(Mamta Kumari Vs. Jitendra Kumar)**-----

IN THE COURT OF PRINCIPAL JUDGE, FAMILY COURT, JAMUI  
Maintenance Case No. 70M/2025

DATE OF JUDGMENT : 09<sup>th</sup> March 2026

**Mamta Kumari**, aged about 23 years, D/o Munna Yadav, W/o Jitendra Kumar,  
R/o Village - Daulatpur, P.O - Maniyada, P.S and Dist. - Jamui.

At present Village Arunmabaank, P.O. Khalari, PS – Garhi, District Jamui.

.....Petitioner/ applicant.

**Versus**

**Jitendra Kumar**, S/o Baban Yadav, age about 29 years,

R/o Village - Daulatpur, P.O - Maniyada, P.S and Dist. - Jamui..... O.P.

**Reference- U/s- 125 Cr.P.C**

On behalf of the Petitioner- Sri Rambilash Yadav, Ld. Advocate.

On behalf of the O.P.- None.

### **JUDGMENT**

1. This maintenance petition has been filed by the petitioner namely Mamta Kumari against the O.P. Jitendra Kumar under section 144 of B.N.S.S claiming ₹20,000/- per month as maintenance in her favour.

2. In brief, the case of the petitioner is that her marriage was solemnized with the opposite party Jitendra Kumar as per Hindu rites and customs on 15.04.2021 in district Jamui. After marriage she went to her in-laws' house and started living happy conjugal life with her husband. After one year of marriage, her husband and his family members began her to physically and mentally torture for demand of dowry. Thereafter, somehow her father gave Rs. 2,00,000/- to O.P and his father. Thereafter, she lived well for a few days but after sometime O.P developed an illicit relationship with his sister-in-law Malti Devi and when she protested, she was assaulted. On 17.07.2024 at 7.00pm, Gotni Malti Devi had fixed the electric wire on the door, while opening the door she got an electric shock. She raised an alarm and informed the villagers and Jamui Mahila PS Case No. 45/2024 was registered by her against the O.P and the members of his family. On 17.07.2024, her husband Jitendra Kumar, mother-in-law, father-in-law, sister-in-law and other in-law members ousted her

from her matrimonial house. She was ousted for the reason for not paying the dowry amount and she was teased saying that she is a burden as she has no any children from the marital life of the opposite party. After being ousted from her in-laws' house, she has been constantly ill. Furthermore, her parents are also poor and helpless. Her financial situation is also poor and she is unable to maintain himself. On the other hand O.P has 5 bigha fertile land and a two-storeyed pucca house. O.P receives Rs. 4,00,000/- annually. O.P is a Tiles mason and earns Rs. 50,000/- per month. So, his total yearly income is Rs. 10,00,000/-. Hence, she need ₹20,000/- per month from O.P for her maintenance.

3. In this case, after filing of the present maintenance petition on 03.05.2025, it was admitted on 24.06.2025 and thereafter notice was issued to O.P. As per the report of process server, the notice was received by the niece of the O.P. Considering the notice validly served this Court proceeded ex-parte against O.P vide order dated 11.09.2025.

Thereafter the record was fixed for the recording of the evidence on behalf of the petitioner and after conclusion of petitioner's evidence case was put up for passing final order.

**4. Point for determination:-**

- (I) Whether the court has jurisdiction to adjudicate this case?
- (II) Whether the petitioner is legally wedded wife and entitled to get maintenance from O.P.?

**FINDINGS**

5. The petitioner has adduced three witnesses in support of her claim.

- (I) A.W.-1- Mamta Kumari, who is the petitioner.
- (II) A.W.-2- Kavita Devi, who is the mother of the petitioner.
- (III) A.W.-3- Ramdev Yadav, who is the maternal uncle of the petitioner.

No document has been exhibited on behalf of petitioner.

6. **A.W.-1 Mamta Kumari**, who is the petitioner of this case, filed her evidence by way of affidavit and stated that her marriage was solemnized with the opposite party Jitendra Kumar as per Hindu rites and customs on 15.04.2021 in district Jamui. After marriage she went to her in-laws' house and started

living happy conjugal life with her husband. After one year of marriage, her husband and his family members began to physically and mentally torture her for demand of dowry. Thereafter, somehow her father gave Rs. 2,00,000/- to O.P and his father. Thereafter, she lived well for a few days but after sometime O.P developed an illicit relationship with his sister-in-law Malti Devi and when she protested, she was assaulted. On 17.07.2024 at 7.00pm, Gotni Malti Devi had fixed the electric wire on the door, while opening the door she got an electric shock and when she raised an alarm and informed the villagers then on the same day her husband Jitendra Kumar, mother-in-law, father-in-law, sister-in-law and other in-law members ousted her from her matrimonial house for which Jamui Mahila PS Case No. 45/2024 was registered by her against the O.P and the members of his family. She was ousted for the reason for not paying the dowry amount and she was teased saying that she is a burden as she has no any children from the marital life of the opposite party. After being ousted from her in-laws' house, she has been constantly ill. Furthermore, her parents are also poor and helpless. Her financial situation is also poor and she is unable to maintain himself. On the other hand O.P has 5 bigha fertile land and a two-storeyed pucca house. O.P receives Rs. 4,00,000/- annually. O.P is a Tiles Mistri and earns Rs. 50,000/- per month. So, his total yearly income is Rs. 10,00,000/-. Hence, she needs ₹20,000/- per month from O.P for her maintenance.

During examination by the Court, she stated that her husband has been living in Ara since before he was married. He works as a mason there and visits his village every 15 days or so. She has been living at her parents' house for a year now. She was beaten up at her in-laws' house and not even given food. Her mother-in-law and sister-in-law also beat her. She has filed a case against her husband. She has no children. Her husband's monthly income is Rs. 50,000/-. He has never taken her to Ara.

7. **AW.-2 Kavita Devi**, who is the mother of the petitioner of this case has deposed on the same line as stated by A.W.1 without adding any other fact.

During examination by this Court, she stated that applicant is her daughter. She has been living at her parents' home for one year. She has no children. The applicant's husband refuses to take her with him. She lived there for a year after their marriage, but she was subjected to physical violence. She

does not go to in-law's house on her own because she is not given food after going there. Her daughter operates the sewing machine and her husband is a Tiles mason. He works in Ara. Her monthly income is Rs. 50,000/-. Her son-in-law does not send a single rupee to her daughter. He has not spoken to her daughter for almost 1.5 years and does not pick up her phone.

**8. AW.-3 Ramdev Yadav**, who is the maternal uncle of the petitioner and has deposed on the same line as stated by A.W.1 & A.W.2 without adding any other fact.

During examination by this Court, he stated that Mamta Kumari is his Bhagini. She was married in 2021. She has no children. She has been living at her parents' home for approximately 7-8 months. Her husband refuses to keep her with him. He does not say the reason. They even had Panchayati but he refuses to agree. Applicant does not do any work and her husband is a contractor and a Tile mason and his monthly income is Rs. 40,000-50,000/-

**9.** With respect to first question of determination by the Court is about whether it has jurisdiction to adjudicate this case, this Court finds that applicants and O.P are resident of Jamui district, which lies within the territorial jurisdiction of this Court. Hence the first question for determination is adjudication in favour of petitioner that this Court has jurisdiction to adjudicate this case.

**10.** As regards second question of determination, in order to establish that the petitioner is entitled to maintenance under section 125 Cr.P.C. the following five ingredients have to be established (a) Relationship with the defendant / O.P as wife/ child/ father/ mother as the case may be (b) the factum of neglect (c) the ground for her residing separately, which should be reasonable and sufficient to make her entitled for the relief (d) Incapability of petitioner to survive on her own (e) Capability of defendant / O.P to make provision for the maintenance.

**11.** This court finds, from the statement of witnesses and photocopy of the FIR of Jamui Mahila P.S Case no. 45/2024 that the petitioner was married with O.P. according to Hindu rites and customs on 15.04.2021. So it is proved that petitioner is legally wedded wife of O.P.

12. This Court also finds from the case record and statement of witnesses that petitioner after marriage went to her in-laws' house and started living happy conjugal life with her husband. After one year of marriage, her husband and his family members subjected her to physically and mentally torture for demand of dowry. Thereafter, somehow her father gave Rs. 2,00,000/- to O.P and his father. Thereafter, she lived well for a few days but after sometime O.P had an illicit relationship with his sister-in-law Malti Devi and when she protested, she was assaulted. On 17.07.2024 at 7.00pm, Gotni Malti Devi had fixed the electric wire on the door, while opening the door she got an electric shock. She raised an alarm and informed the villagers and on the same day her husband Jitendra Kumar, mother-in-law, father-in-law, sister-in-law and other in-law members ousted her from her matrimonial house for which Jamui Mahila PS Case No. 45/2024 was registered by her against the O.P and the members of his family. There is no contrary evidence to disprove the statements of petitioner. Cognizance against O.P and his family has also been taken by the Court of Ld. SDJM Jamui. Hence the petitioner is able to prove that she was neglected by her husband and she was forced to live with her parents in her Maika as she was subjected to cruelty for the demand of money.

13. As far as capacity of O.P to maintain applicant is concerned, all the witnesses have stated that petitioner does not have sufficient means to maintain herself. She does not do any work but during examination by the Court the mother of the applicant stated at para 9 that her daughter does tailoring work. Other witnesses did not say so. Even if applicant does some work for her survival, this will not disentitle her for getting maintenance. It proves that petitioner does not have sufficient mean to maintain herself.

14. So far as capacity of O.P to make provision for maintenance is concerned, according to the witnesses, O.P has 5 bigha fertile land and a two-stored pucca house. O.P receives Rs. 4,00,000/- annually. O.P is a Tiles mason and earns Rs. 50,000/- per month. So, his total yearly income is Rs. 10,00,000/- but no any documentary proof about agricultural land or proof of income is presented before this Court. It was for the O.P to prove that he did not have sufficient means to maintain the petitioner but he has not appeared to discharge the said onus. O.P. is duty bound to maintain his wife. Since O.P. is an earning person, he is legally and morally duty bound to maintain the petitioner.

**Present : Vikas Kumar,  
Principal Judge, Family Court, Jamui  
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15. As far as quantum of maintenance is concerned, since no any documentary proof either about earning or landed property of O.P. is produced, hence the maintenance amount is decided on the basis of minimum wages of unskilled manual labour.

Accordingly in the facts and circumstances and the nature of work in which O.P. is involved, i.e., being an unskilled labour, I am inclined to grant maintenance of ₹5,000/- per month to the petitioner from the date of filing of the petition.

**THEREFORE IT IS ORDERED AS**

**The O.P / Defendant is directed to pay the Maintenance of ₹5,000/- (Five Thousand rupees) per month to the petitioner from the date of the filing of this petition.**

Further the respondent is directed to make payment of ₹5,000/- to the petitioner as litigation expenses.

Defendant / O.P is directed to clear the arrears of maintenance within three months from today in equal installment and to furnish the monthly installment after the date of order, by way of money order or by deposit in the bank account of the petitioner on furnishing the account number of the same on or before 10<sup>th</sup> day of each English calendar month.

Interim Order, if any, stands cancel.

The petition stands disposed of accordingly. File be consigned to the record room.

**Dictated & corrected**

**Principal Judge, Family Court,  
Jamui.  
Dated: 09.03.2026**

**Principal Judge, Family Court,  
Jamui.  
Dated: 09.03.2026**

Date of Judgment / Order	09.03.2026
Date of Reserving Judgment / Order	21.02.2026
Uploading Date	09.03.2026
Uploading by	Mithun Kumar, D.W.