

In the Court of Principal Judge, Family Court, Siwan
Present- Manoj Kumar-II, Principal Judge Family Court.
Maintenance Case No.- 79/2025

U/s 144 B.N.S.S.

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Suman Kumari @ Supriya, aged 27 years, D/o-Shambhu Chaudhary, W/o-Shailesh Kumar Rai, R/o village-Dhuri Chhapra,, P.S.-Mufassil Chhapra, P.O.-Mahto Musehari, District-Saran

At present-R/o village-Lakhrai Ward No.4, P.S.-Siwan Mufassil, P.O.-Siwan, District-Siwan, Mob. No.-9661483761. **Applicant**

Versus

Shailesh Rai, S/o Birendra Rai, R/o- Village-Dhuri Chhapra, P.S.-Chhapra Mufassil, P.O.-Mahto Musehari, District-Chhapra, Pin code-841414. **Opposite Party**

Learned Counsel for the Applicant	- Ld. Advocate Sri Shiddarth Kumar Yadav
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Learned Counsel for the Opposite Party	- None
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Date of Order- 10.07.2026

Judgment

1. The present application u/s 125 Cr.P.C. is filed by applicant – Suman Kumari @ Supriya against opposite party-Shailesh Rai for getting Rs. 20,000/- per month as maintenance.
2. It is brief case of the applicant that she was married to opposite party - Shailesh Rai on 19.04.2018 according to Hindu customs and rites at village-Lakrai, P.S.-Siwan Mufassil, P.O.-Siwan, District-Siwan. After vidai, she came at her matrimonial home. Initially, everything remained normal for sometime. But after a few days, the opposite party and his family members started demanding dowry and began subjecting the applicant to physical assault and mental harassment. They tortured her in various ways and eventually ousted her out of the matrimonial home. During this period, the opposite party contracted a second marriage, when the applicant along with her father and relatives went to inquire about the matter, the opposite party and all his family members brutally assaulted them with an intention to kill. The applicant's father was also beaten and Poonam Kumari snatched the applicant's gold chain worth Rs.40,000/- and Brajesh Rai, with an immoral intention, tore the applicant's clothes and ousted her away from the house. They threatened her by saying that since she had filed a court case and he had already remarried, if she ever returned to their house, they would bury her alive. Thereafter, the applicant got herself and her injured father medically treated at Chhapra Hospital. In this connection, an FIR was lodged at Muffasil Police Station, being Case No.465/2023 dated 23.06.2023, under Sections 498A, 323, 324, 354, 379, 494 and 34 of the Indian Penal Code. The applicant's father, according to his financial capacity and beyond his means,

Dated- 10.07.2026

gave sufficient gifts at the time of marriage, including cash, jewellery, clothes, utensils, furniture, and other household articles. The opposite party and his family members continuously demanded Rs.1,00,000/- as dowry from the applicant. They used to threaten that they would not allow her to live peacefully unless the demand fulfilled. The applicant regularly informed her parents and brother about the dowry demands and harassment. Her father also convened village panchayats to resolve the dispute, but the opposite party and his family members remained unaffected. Instead of that, they continued assaulting and humiliating the applicant, causing her severe physical and mental suffering. The opposite party and his family members jointly subjected the applicant to frequent physical assault. They insulted her by calling her a burden and taunted her by saying that although her father earned well, he was unwilling to give them money. They harassed her in various ways and even stopped providing her with food. Despite tolerating all this in silence, their behaviour towards her never improved. On 15.10.2019, the opposite party and his family members assaulted the applicant, forcibly took away all her stridhan and ousted her out of the matrimonial home. Somehow, the applicant informed her father, who came and took her back to her parental home. Since then, she has been living at her parental home. The applicant is living a life of extreme hardship. Her father remains chronically ill and is unemployed, making it very difficult for the family to sustain themselves. The applicant has no independent source of livelihood and is unable to maintain herself. The opposite party own 2 Bighas of fertile agricultural land, where vegetables are cultivated, generating an annual income of about Rs.2,00,000/-. The opposite party is also engaged in welding work at Hajipur and earns Rs.60,000/- per month. The opposite party is financially capable of maintaining the applicant and providing her maintenance. At last, she prayed for granting Rs. 20,000/- per month as a maintenance for herself.

3. Notice was issued and sent to the opposite party through Nazarat and Registered post, he received the notice sent through registered post as tracking report dated 10.05.2025 shows it. Thereafter, he did not appeared before the court, on 18.09.2025 the matter was proceeded Ex-parte against the opposite party.
4. The applicant- Srimati Suman Kumari @ Supriya has produced altogether 3 witnesses. AW1 is Suman Kumari @ Supriya is the applicant

herself, AW2 is Shambhu Choudhary, father of the applicant and AW3 is Shanti Devi, mother of the applicant. On 18.02.2026 applicant filed an affidavit in compliance of the directions issued by the Hon'ble Supreme Court in *Rajnish vs Neha and Another*.

EVIDENCE OF APPLICANT

5. **Applicant Witness No.- 1 Suman Kumari**, is the applicant herself. She has supported the same version of the petition in her evidence affidavit. During court question she deposed that her husband works as a Welder in Hyderabad. He opened a Welding Shop in Hajipur in 2018. He then moved to Hyderabad a year later, in 2019. A year later, he returned to Hajipur in 2020. He frequently travels between Hyderabad and Hajipur to perform welding work. He does not know in which area of Hajipur the defendant operates his welding shop. She lived her husband for a total of three months. She has no children.
6. **Applicant Witness No.- 2 Shambhu Choudhary** is father of the applicant. He has supported the same version of the applicant petition's in his evidence affidavit. During court question he deposed that he is the father of the applicant. His son-in-law works as a Welder in Hajipur. He makes Tractor Trolley.
7. **Applicant Witness No.- 3 Shanti Devi**, is the mother of the applicant. She has supported the same version of the applicant petition's in her evidence affidavit. During court question she deposed that the affidavit filed is her. She is an illiterate. She has a lawyer who read it and listen her, then put her thumbprint on it. She is aware of what is written in it. The applicant is her daughter. Her son-in-law works as a Welder in Hajipur. The opposite party rents a shop and does welding work. She does not know which market that shop is in. Her daughter, the applicant has no children. They were thinking that the opposite party would come to call the applicant and then they would send her away, but he never came. They filed the case so late because they thought that if they filed the case, the relationship would be broken.

DISCUSSION AND FINDINGS

8. The applicant has claimed that her marriage was solemnized on 19.04.2018 in accordance with Hindu rites and ceremonies. AW1-applicant herself has also supported the same version in her deposition and another witnesses-AW2 and AW3 have also supported the same version and none of the witnesses have been cross-examined by the opposite party. The applicant has also filed an original marriage invitation card, which goes to show that she was married to

opposite party on 19.04.2018, which corroborates the assertion of their marriage. On the basis of the material available on record, the court is of the view that the applicant is legally wedded wife of the opposite party. It is further version of the applicant that opposite party harassed her and ultimately, she was ousted from her matrimonial home by the opposite party. Since, then she has been living at her Maika. Thereafter, she comes to know that the opposite party contracted a second marriage. When the applicant along with her father and relatives went to inquire about the matter, the opposite party and all his family members brutally assaulted them with an intention to kill. Her father was also beaten and snatched the applicant's gold chain worth Rs.40,000/- with an immoral intention, tore the applicant's clothes and ousted her away from the house by the opposite party. Thereafter they threatened her that he had already remarried, if she ever returned to their house, they would bury her alive. Applicant and other witnesses have also supported the same version. There is nothing available on record to disbelieve them. It means that the applicant has been neglected by the opposite party. Applicant has also filed affidavit of her assets and liabilities in which she has claimed that she has no source of income.

9. As far as the income of the opposite party is concerned, it is claimed that the opposite party has been earning Rs. 60,000/-(Rupees Sixty Thousand) per month as a Welder and same is supported by the other witnesses of the applicant. But, no document regarding the income of the opposite party has been filed by the applicant. While there is consistent version of the applicant's witnesses that the opposite party is a Welder. Opposite party has not been appeared in this matter. It is also relevant to mention here that the applicant in a maintenance case ordinarily exaggerates the income of the opposite party, and the opposite party always tried to conceal his income or discloses less income before the court to avoid the responsibility of maintenance to his wife or his children. To stop or curb this tendency of the parties, the Hon'ble Supreme Court given direction in the Matter of Rajnesh Vs. Neha & Others (2021) 2 SCC 324 to file disclosure affidavit of assets and liability along with relevant documents. The husband cannot avoid his liability of paying maintenance to his wife or children by not appearing in the court or not filing that disclosure affidavit. In these facts and circumstances, the court assumes that the opposite party earns Rs. 20,000/- per month as a Welder.
10. Considering the facts and circumstances available on record, the court is of the view that applicant is wife of the opposite party. The opposite party is

legally, morally and socially bound to maintain her. Thus, the opposite party is directed to pay Rs.5,000/- per month to the applicant, from the date of application i.e. 19.04.2025.

11. The aforesaid amount of maintenance shall be paid within 15 days from today. In case of his failure to pay the aforesaid amount, the applicant will have a liberty to initiate the proceeding for enforcement of this order in accordance with law.
12. Office is directed to consign the record to the record room after completing formalities.

Dictated & corrected

(Manoj Kumar-II)
Principal Judge
Family Court, Siwan
Dated: 10th July, 2026.

Pronounced in the open court

(Manoj Kumar-II)
Principal Judge
Family Court, Siwan
Dated: 10th July, 2026.