

Present : Preetha Mukherjee (JO code-WB01445)
Judicial Magistrate, 2nd Court, Rampurhat, Birbhum

Misc Case 558/2023

Yeasminara Khatun Vs. Kamarul Islam

Order dated 31/07/2026

Today is fixed for exparte hearing.

Petitioner is present today before the Court along with her Ld. Advocate.

Petitioner deposed as PW 1 and was discharged.

The Ld. Advocate for the petitioner submits that he will not adduce any further evidence. Accordingly PW is closed.

Heard Ld. Advocate for the petitioner.

The record is taken up for passing order.

This is an application u/s 125 of the Cr.P.C. By the present application the petitioner has prayed for direction upon O.P to pay a total amount of Rs. 20,000/- per month for herself as maintenance allowance.

Brief fact of the petitioner's case is that the petitioner got married to the OP on 28.02.2022 as per Muslim rites and customs. After marriage, the petitioner went to her matrimonial house and started her conjugal life. Petitioner further stated that after few days of their marriage, the petitioner was inflicted physical and mental torture by the O.P and his family members and they used to pressurize her for bringing cash of Rs. 2,00,000/- as dowry and when the petitioner could not arrange the same from her parents due to their poor financial condition, the level of torture increased. Finally in the month of May, 2022 the O.P assaulted the petitioner and drove her out of her matrimonial house in a single clothing. She took refuge at her parents house. After a few days the O.P again took the petitioner back to his house but again on 15.11.2023 at around 09:00 p.m the O.P and his family members assaulted the petitioner and tried to kill her by tying a 'dopatta' around her neck. The petitioner somehow saved herself and lodged a complaint at Margram PS. At present the petitioner is staying at her parents house. The petitioner further claimed that the O.P did not contact her nor did he give any maintenance to her. According to the petitioner, the O.P works at a Private Tax office and has landed property, pucca house and earns Rs. 40,000/- per month while the petitioner herself is unemployed. Therefore, the petitioner had prayed for Rs. 20,000/- per month for herself as maintenance allowance.

Summon upon O.P was duly served and the O.P appeared on 11.09.2024 but the O.P, having failed to take further step, the case was fixed for exparte hearing.

To prove her case the petitioner Yeasminara Khatun deposed as P.W 1. She stated that she got married to the O.P on 28.02.2022 as per Muslim rites and customs. Such statement of PW 1 remains uncontroverted. Further, PW 1 has also stated that the O.P drove the petitioner out of her matrimonial house on 15.11.2023 and since then she was compelled to stay at her parents house. She further stated that her husband i.e the O.P earns Rs. 80,000/- to Rs. 1,00,000/- per month and is fit and able bodied and the O.P having failed to appear and deny such statement of the petitioner, the oral testimony of PW 1 remains unchallenged.

Thus, it is clear from the evidence adduced that the O.P is the husband of the petitioner and inspite of having sufficient means, the O.P has failed and neglected to maintain his wife. Considering the oral testimony of the petitioner and the assets and liabilities statement filed by her, this court finds it just and proper to allow the petition of maintenance ex parte against the O.P. Considering the income of the O.P the petitioner is entitled to get a sum of **Rs. 3,000/- per month** for herself as maintenance allowance.

Hence, it is

ORDERED

that the petitioner is entitled to a maintenance amount of **Rs. 3,000/- (Rupees three thousand only)** per month for herself.

The OP is directed to pay the said amount being **Rs. 3,000/-** every month within the 10th day of the succeeding month for the previous month falling due, failing which the petitioner shall be at liberty to put this order into execution.

This order is to take effect from the date of filing of the application.

Arrear to be paid within 6 months from the date of this order failing which the petitioner shall be at liberty to put this order into execution.

Let a copy of this order be supplied to the petitioner free of cost.

Dictated and Corrected by me

*Judicial Magistrate, 2nd Court
Rampurhat
(JO code-WB01445)*

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Rampurhat
(JO code-WB01445)*