

KADK410000902026



Presented on : 04-02-2026
Registered on : 05-02-2026
Decided on : 07-07-2026
Duration : 05 months, 03 days

**IN THE COURT OF THE CIVIL JUDGE & JUDICIAL
MAGISTRATE FIRST CLASS AT SULLIA, D.K**

PRESENT:- SRI. CHIRAG C., B.E., LL.B.
Civil Judge & J.M.F.C, Sullia

Dated this the 7th day of July 2026

Crl.Misc./05/2026

Between

PETITIONERS	1	Smt. Samsheera Banu K.J. Aged 31 years, W/o. Mahammed Adhil, D/o. Jabbar, R/at Chattekallu House, Sampaje Village and Post, Sullia Taluk D.K.- 574 234.
	2	Mariyam Aliya, Aged 8 years, D/o. Mahammed Adhil, Rep. by Natural Guardian mother, Petitioner No.1 Smt. Samsheera Banu K.J.

		R/at. Chattekallu House, Sampaje Village and Post, Sullia Taluk, D.K.- 574 234.
	3	Fathima Afiya, Aged 5 years, D/o. Mahammed Adhil Rep. by Natural Guardian mother, Petitioner No.1 Smt. Samsheera Banu K.J. R/at. Chattekallu House, Sampaje Village and Post, Sullia Taluk, D.K.- 574 234.
Rep. by Sri. P.B.R. Advocate)		

V/s.

RESPONDENT		Sri. Mahammed Adhil, Aged about 34 years, S/o. Kannayiram, R/at. Darkasthu House, Sampaje Village and Post, Sullia Taluk D.K.- 574 234.
Rep. by Sri. N.K. Advocate)		

ORDER ON APPLICATION
U/SEC.144 OF BNSS

The petitioners have filed the present application under Section 144(1) of BNSS praying to grant an interim maintenance of Rs.15,000/- per month for the first petitioner and Rs.7,000/- each to

the second and third petitioners. It is the contention of the petitioner that, petitioner no. 1 is the legally wedded wife of the respondent and the marriage between the petitioner no. 1 and respondent was solemnized on 13.01.2017 as per the customs prevailing in Muslim community. Out of the wedlock, two female children, petitioner no. 2 and 3 were born. As the matter stood, the respondent started to show hostile behaviour against the petitioner no. 1 and has physically assaulted her and because of the physical and mental torture caused by the respondent, the petitioners were forced to leave the matrimonial house and were residing in the parental house. Based on these allegations, the petitioners have filed the present application to grant the interim maintenance as prayed for.

2. Per contra, the respondent filed his objection and submits that the present application is not maintainable in law or on facts. The respondent contends that since the petitioner was using her mobile phone without the knowledge of the respondent, there used to have quarrel because of the same. When the same was aggravated the petitioner no. 1 with an apprehension of Respondent filing a divorce against her, has filed the present petition with a mala fide intention. Further he also contends that till date the respondent is paying certain amount to the petitioners herein. Thereby prays to dismiss the same.

3. Heard the arguments on both sides

4. On the basis of the arguments canvassed and the materials available on record, the following points arise for my consideration.

POINTS

- 1. *Whether the Petitioners is entitled for interim maintenance as prayed in the application?.***
- 2. *What Order?.***

5. My findings on the above said points are as under:

Point No.1 : ***“Partly Affirmative”***

Point No.2 : As per the final order for the following;

:R E A S O N S :

6. **POINT NO.1:-** The petitioners have filed a petition under Section 144 of BNSS for claiming maintenance. The petitioners have also filed the present application seeking monthly interim maintenance so as to maintain themselves. Section 144 of BNSS empowers this Court to grant interim maintenance to such class of persons, who are unable to maintain themselves. The primary factor that needs to be considered for granting an interim maintenance under Section 144 of BNSS is that a person having sufficient means, neglects or refuses to maintain his wife or his children is liable to pay interim maintenance and such interim maintenance can only be granted upon proof of such neglect or refusal. It is well settled principle of law is that an able-bodied person is duty-bound to maintain his wife and his children. It is a customary obligation imposed upon the husband to maintain his wife and children. The only exceptions, where an interim maintenance can be rejected is that if the said wife is living in adultery or voluntarily refuses to live with the husband. But all these factors has to be

considered with a full-fledged trial. After seeing the assets and liabilities filed by both the parties, prima facie it appears that the petitioner No.1 is a housewife and also taking care of minor children petitioner no. 2 and 3. The monthly income declared by the respondent by working as a JCB operator is Rs.15,000/-. Again with a cost of reputation the exact income of both the parties can only be adjudicated with a full-fledged trial, till then, since it is the duty of the husband to maintain his spouse and the children with the amount which he is earning. It is also pertinent to note here itself that the respondent has admitted that he is paying certain amounts towards the petitioners herein. Hence this is a fit case to grant interim maintenance by fixing a certain amount, so that a definite amount shall be paid to the petitioners as their interim maintenance to maintain themselves. By considering the salary of the respondent, a sum of Rs.2,000/- each to the petitioners can be granted as monthly interim maintenance towards their food, shelter, education, medical and other expenses. Hence, for the aforementioned reasons the **Point No.1** arise to my consideration is answered ***“Partly in the Affirmative”***.

7. **Point No.2:-** In view of the aforesaid discussion on the said point, this Court proceeds to pass the following:

ORDER

The application filed under Section 144(1) of BNSS is hereby ***Partly allowed.***

The respondent is hereby directed to pay a monthly income maintenance of **Rs.2,000/-** each to the petitioner No.1 to 3, in total **Rs.6,000/-** to the petitioners herein from the date of the order till disposal of the suit.

(Dictated to the stenographer, the transcript revised and corrected by me and pronounced in the Open Court on this the 7th day of July 2026)

(SRI. CHIRAG C)
CIVIL JUDGE & J.M.F.C.,
SULLIA, D.K.

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