

Case called out, petitioners and their counsel present. Heard on IA No.I.

ORDER ON I.A.NO.I

The petitioners have filed the I.A.No.I U/Sec.144(1) of B.N.S.S, for directing the respondent for grant of interim monthly maintenance of Rs.4,000/-each from respondent to their and litigation expenses, wherein, they have contended that, the petitioner No.1 is the wife of respondent. The marriage between petitioner No.1 and respondent was solemnized on 09.05.2016 at Yalavigi village. The respondent is having 8 acres land, tractor and he is earning totally amount of Rs.2 to 3 lakh per year. The respondent is not making the payment of maintenance. The respondent is started physically and mentally harassment and abusing to the petitioners.

Further she submitted that, the respondent is totally neglected by the petitioners without providing in maintenance

for their livelihood, they facing much hardship, financial stringency. They have contended that, they have no capacity to work and earn to maintain themselves to meet the daily expenses and medicine expenses and other needs etc., they prayed for order of interim maintenance of Rs.4,000/- each.

At this stage, on perusal of available materials on the record and also I perused the Sec.144(1) B.N.S.S., as follows:-

(Provided further that the Magistrate may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this sub section, order such person to make a monthly allowance for the interim maintenance of his wife or such child, father or mother, and the expenses of such proceeding which the Magistrate considers reasonable, and to pay the same to such person as the Magistrate may from time to time direct.

I am of the opinion that, the petitioners have shown the prima-facie case to grant the exparte interim maintenance for

daily needs and expenses till disposal of the main petition or interim application. The petitioners have produced record of right of RS.No.192/2A, RS.No.191/1B and RS.No.191/1C of Yalavigi village. The above said documents are shows the name of father of respondent. Hence, in my opinion, it is just and necessary to grant the exparte interim maintenance to meet the daily and necessary expenses. The purpose of the application will be served if interim maintenance of the Rs.2,000/- each is granted. Accordingly, I pass the following:

ORDER

I.A.No.I filed by the petitioners is partly allowed.

Respondent is directed to pay exparte interim maintenance of Rs.2,000/- each per month to the petitioners from the date of petition till further order.

Issue exparte interim order and notice to respondent by RPAD.

Call on: 17.02.2025.

Sd/-
CJ & JMFC, Byadgi.

