

In the Court of Judicial Magistrate 1st Court, Barasat,
North 24- Parganas

Present: Smt. Sangeeta Let (WB01418)

M. Case No.581 of 2023

T.R No. 188 of 2023

CNR No.WBNP02-006721-2023

Suparna Das

.....Petitioner/wife

-Vs-

Samar Das

..... Opposite Party/Husband

Order dated 23.07.24:-

Today is fixed for ex-parte order.

Ld. Advocate for the petitioner files hazira.

Now, the case record is taken up for passing ex-parte order.

This petition under Section 125 Code of Criminal Procedure, 1973 (herein after referred as Cr.P.C) was filed by the petitioner Suparna Das on 21.08.2023 against her husband hereinafter referred as Opposite Party/OP for claiming Maintenance allowance.

The petitioner's case in brief is that she got married on 06.12.2008 as per Hindu Rites and Customs and on 03.01.2009 her marriage was duly registered according to Hindu Marriage Act, 1955. At the time of marriage the father of the petitioner had given cash of Rs.20,000/- to the OP along with other valuable articles. After marriage she went to her matrimonial home. Out of the wedlock one girl child was born aged about 14 years and she is studying in class VII of Duttapukur Girls School. The OP is a habitual drinker and under intoxication he used to inflict physical and mental torture upon me. Several times he criticised the stridhan articles given by her father. The OP neglected to provide basic amenities including medical treatment to the petitioner and also abused her with filthy languages. On being protest she has been subjected to physical and mental torture. Lastly, she was mercilessly tortured by her husband and on 04.06.2022 at about 9:00hrs she along with her child had been driven out from the matrimonial house. I have informed the alleged incident before the Duttapukur PS on 05.06.2022 being Duttapukur PS Case No. 561/22 dt. 05.06.2022 u/s. 498A/406 IPC. My daughter is still in the custody of my husband. I have tried

several times to take my daughter from his custody but failed. The OP is an able bodied person, he has is working in a sticker factory from which he earns Rs.20,000/- per month. The petitioner has prayed for maintenance for herself from OP to the tune of Rs.10,000/- per month.

Perused the case record. Affidavit of assets and liabilities.

In this case the opposite party did not contest the case. The case has been proceeded ex-parte against the opposite party on and from 07.03.2024.

Petitioner has very categorically stated that she is facing extreme hardship by her husband. The Petitioner has deposed as P.W.1 wherein she corroborated all the material facts of her petition.

Perused the materials on record. Since the case was heard ex-parte and the Opposite Party did not appear this case to challenge the case of the petitioner, the petitioner's claim and allegation can be considered to be genuine. However, it is pertinent to mention that the petitioner has not submitted any documents relating to the income of the husband/OP as per the statements made in affidavit of assets and liabilities. It is further pertinent to mention that the girl child is in the custody of father i.e. OP and the petitioner has not filed any document to show that the girl child with her at present.

Therefore, considering all the facts and circumstances and the prima- facie case which the petitioner has made out, I am of the opinion that the prayer of the petitioner for the claim of maintenance should be allowed. However, I have fixed the quantum taking into consideration the various facts and circumstances of this case.

Hence, it is

ORDERED

that the case be and the same is **allowed in part on ex-parte** against the Opposite Party.

The Opposite Party is directed to pay maintenance of Rs.2,500/- (Rupees Two Thousand Five hundred only) per month for petitioner towards the maintenance from the date of filing of this case. The Opposite Party shall pay the aforesaid amount of maintenance to the petitioner by the 10th day of every succeeding English Calender month in default of which the petitioner will be at liberty to execute the order as per law.

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

D/c by me,

Sd/-
Judicial Magistrate
1st Court, Barasat,
North 24 Parganas

Sd/-
Judicial Magistrate (WB01418)
1st Court, Barasat,
North 24 Parganas