

Misc. Cri. Case No.114/2017.  
Asha vs Santosh.

**Order Below Exh.2**  
**(Dated 08.01.2018)**

Read application and reply filed by the non-applicant vide Exh.09. Perused the record. Heard learned counsel for applicant. Non-applicant has filed written notes of argument vide Exh.10. Perused the same.

2. The applicant by way of present application is seeking interim maintenance.

3. I have gone through the facts, law and contentions advanced by the rival parties. The main application is filed vide section 125 of the Code of Criminal Procedure. The instant application is filed for interim maintenance. It is admitted that the applicant is legally wedded wife of the non-applicant. The relationship of applicant and non-applicant is not disputed. It is moral as well as legal duty of husband to maintain his wife.

4. The applicant has not filed on record any concrete proof of source of income of non-applicant. So also the non-applicant has not filed on record anything which can show that the applicant is able to maintain herself. Thus, considering pleadings, social economic status and responsibility of both sides some quantum of

interim maintenance needs to be awarded to applicant for her livelihood. Hence, I proceed to pass following order.

**ORDER**

- 1) Application is allowed.
  
- 2) Non-applicant to pay interim maintenance of Rs. 1000/- per month to applicant from the date of filing application till further orders.

Date :- 08.01.2018

Sd/-  
(S. A. Ingley)  
Judicial Magistrate First Class,  
Deori.