

MISC CASE 192 of 2022
 C.I.S No 201 of 2022
 CNR NO WBBB 1200 2295 2022

Dated :- 04.03.24

Both sides file hazira. Hd Both sides at length.

Record is taken up for passing orders on the prayer for interim maintenance filed by the petitioner.

The sum and substance of her pleading in support of her prayer is that she was married to the OP about 02 years back in accordance with Mohamedan rites and customs. Dowry in the form of cash of Rs. 60000 , furniture and valuables were given during marriage. In course of her matrimonial life she gave birth to one daughter and thereupon her husband demanded her to bring money from her parents as household expenses had increased and drove her out of the matrimonial home at about 19 months ago prior to the filing of the case. She was compelled to take shelter at her parental home. The OP never inquired about her well-being or paid any subsistence to her. She subsequently gave birth to female child.

As claimed by the petitioner, the OP is an able-bodied person who earns Rs. 12000/- by working sales man in gold shop in Saudi Arabia and he earns another Rs. 80,000/- . No formal divorce has been effected between the parties and accordingly the petitioner has prayed for Rs. 10,000/- as interim monthly maintenance for her minor daughter and Rs, 20,000/- as monthly maintenance for herself.

In his w/o filed against the Misc Case, which the OP has prayed for being treated as his w/o for the purpose of hearing interim maintenance, the OP has claimed that the petitioner had been misbehaving with him since after marriage . she left his home without informing her whereabouts. . The OP has tried to bring her back, but without success.

The OP claims that he had been working as agricultural labour. He has no properties of his own . The OP claims that he earns Rs. 6000- 7000 per month and has no other source of income. He is willing to maintain the petitioner and her children if she stays with him.

Typed & Corrected
 By me

.....Contd---(2)

MISC CASE 192 of 2022
 C.I.S No 201 of 2022
 CNR NO WBBD 1200 2295 2022

From the w/o filed by the OP, it is seen that the fact of marriage has been admitted. The fact that the parties are not staying together at present, is admitted. Further there is no claim by the OP that the petitioner has any source of income of her own, or that she is capable of sustaining herself .

In his w/o the OP has not made any claim that he is paying anything to the petitioner at present for her maintenance.

The crucial aspect which now crops up, is the ability and availability of means of the OP to maintain his wife and child.

So far as this case is concerned, it has been claimed by the petitioner that the OP is a skilled salesman in gold shop of Saudi Arabia from where he earns Rs. 80,000/- per month. The OP has not admitted the fact that he had been an employee of goldsmith of Saudi Arabia.

On the other hand, in his w/o OP has claimed that he earns only Rs.6000/- to 7000/- per month as a labour and he has no other source of income.

Accordingly, in order to prevent vagrancy and in order to save the petitioner from becoming a destitute, and in view of her precarious condition as a cancer patient, the OP is liable to pay some amount immediately as interim maintenance to the petitioner and her children. Thus, all the aforesaid questions tend to yield replies in favour of the petitioner.

Accordingly, considering all the facts and circumstances as are available before the court at present, I am of the opinion that a sum of Rs. 5000/-- per month for the petitioner , and Rs. 3000/- per month for her minor child, i.e. Rs. 8000/- in total, would be just and equitable as interim maintenance payable by the OP to the petitioner .

Typed & Corrected
 By me

.....Contd---(3)

MISC C ASE 192 of 2022
 C.I.S No 201 of 2022
 CNR NO WBBD 1200 2295 2022

Accordingly, it is

O R D E R E D

That the OP is hereby directed to pay a sum of Rs. 5000/- to the petitioner and Rs. 3000/- to her minor child (i.e. Rs. 8000/- in total) as their interim maintenance every month, starting from the month of filing of this case till the disposal of the instant Misc Case. The interim maintenance for each month shall be payable within the 10th day of the succeeding month.

The petition for interim maintenance is disposed off on contest accordingly.

Let a copy of this order be supplied to Petitioner free of cast.

To 04.06.2024 for hearing the Misc Case.

J.M. Kalna
 J.O.Code WB01355

Typed & Corrected
 By me

.....Contd---(4)