

Misc Case No. 05 of 2020
Smt. Usha Devi vs. Sri Naresh Kumar Paswan

Date of delivery of Order : 01.08.2023

Today is fixed for passing order for interim maintenance u/s 125 Cr.P.C.

Ld. Advocate of the petitioner and Ld. Advocate of accused are present.

The facts of the case is that the petitioner's marriage to the opposite party (hereinafter referred to as the OP) was solemnised on 04.06.1980 according to Hindu rites and customs. That the petitioner's father gave to the opposite party at the time of marriage Rs. 50000 (Fifty thousand only) cash in addition to gold jewelry, clothes, furniture and appliances. After the wedding she learnt that the OP was involved in a love affair with another lady and was of notorious character with several illicit relationships prior to that. That they had a daughter from this marriage who was neglected by the OP and committed suicide on 27.09.2016. Despite several efforts of reconciliation, the OP never took any interest in it and the petitioner spent the years in immense mental agony. She is now living as an dependant upon her parents and has no source of income. OP earns about Rs.73000/- as an employee of Chittaranjan Locomotives. She seeks maintenance of Rs. 23000 from the court.

The OP admits the marriage. He denies all the allegations that is levelled against him. He states that their daughter committed suicide due to the mental and physical abuse of her husband and that the OP loved his daughter immensely. He states that he always handed over his income to the petitioner and her account has savings of over Rs. 12,00,000/- due to this. That he had bought a land in Mouza Achara, Block Salanpur in the petitioner's name that the petitioner sold in connivance with their deceased daughter's husband. He states that the petitioner is residing at the quarters allocated to the OP forceably and that she cunningly kept a blank cheque signed by him that she had dropped in bank for wrongful gains as this case proceedings were on. He states that he receives pension of Rs. 12000/- now and petitioner receives Rs.18000/- through various income schemes. He seeks for the petition to be rejected.

Perused the record. Heard the Ld. Advocates of both parties.

Ld. Advocate of the OP submitted a document stating about his voluntary retirement from service in 2020. The Ld. Advocate of the OP committed to submit a copy of OP's passbook to prove income of the OP in the court by the second half but despite the court waiting for a long time, he did not return to submit the copy

While deciding the quantum of interim maintenance, I have kept in mind the objective of this statute. It is to protect dependants who are unable to support themselves from vagrancy, starvation and misery. The OP is able bodied but he even at the

time of filing of the suit was a retired government employee. From her affidavit declaring her assets and liabilities, I observe that she is not paying any rent. Keeping in mind both the above consideration, the court is of the opinion that it is reasonable to award the petitioner Rs. **3000/- (Rs. Three thousand only)** as interim maintenance at this stage.

Hence it is

Ordered

That the O.P is directed to pay monetary maintenance to the petitioner at the rate of Rs. 3000/- (Three Thousand only) per month by the 10th Day of each succeeding month of the English Calendar month failing which petitioner shall be at liberty to realize the same as per law. This order is effective from the date of order.

Let a copy of this order be handed over to the petitioner free of costs.

To fix date 01-12-2023 for evidence

Typed and corrected by me.

Sd/-

J.M. 6th court, Paschim Bardhaman

Sd/-

Judicial Magistrate, 6th
Court, Paschim Bardhaman