

Later:

21.08.2018

Today is fixed for appearance and filing requisites.

The aggrieved party is present by filing hazira.

She files a petition praying for ex parte interim order alongwith a petition under Section 23 of PWDV Act, 2005(hereforth the Act).

Heard the Ld Advocate.

Perused the petition.

Considered.

The aggrieved person has filed this case against six respondents who are her husband and her in laws.

The case of the aggrieved party is that she was married to respondent no.1 on 24.02.2011 at Burnpur as Hindu rites and customs. That a son was born to them on 10.12.2011. She has alleged that respondents were not happy with the dowry articles given at the time of marriage and, therefore, she was treated badly by the respondents. She was physically and mentally assaulted by them. That she was assaulted on 15.03.2012, 11.07.2013 and on 13.12.2013, 10.12.2014 by the respondents. That on 18.07.2017 respondent no.1 and 2 assaulted her and locked her with an intention to burn her alive. She managed to escape with her child to her father's house and then registered a case against the respondent no.1 and 2 before the Durgapur Women PS. On 15.09.2017 respondent no.1 assured to keep the aggrieved person and took her back to the matrimonial house and, accordingly, on 18.09.2017 she filed a affidavit before the Court of Ld ACJM Durgapur stating that she was residing peacefully with respondent no.1 and his family members. She took back her complaint against the two respondents but on 18.12.2017 the respondents again tried to kill her. She again took shelter to her father's house alongwith her minor son. Subsequently, on 10.02.2012 respondent no.2 who is the mother in law of the aggrieved person filed a case against her before the Durgapur Women PS being PS Case No.3/2018 under Section 498A, 453, 34 IPC. That since 18.12.2017 the aggrieved person is residing in her father's house and has no independent source of income. That the respondent no.1 is an employee of Durgapur Steel Plant and drawn a salary of about Rs.84,000/- per month. She has prayed for protection order under Section 18 of the Act, and order of separate residence under Section 19, order for return of stridhan property under Section 19(8) and an order directing respondent no.1 to pay Rs.15,000/- per month to her and Rs.10,000/- per month for the minor son as interim monetary relief.

Ld Advocate for the aggrieved person submitted that interim monetary relief is urgently required as petitioner has no source of income and that necessary order be accordingly passed. He also further submitted that the aggrieved person has not filed any case under Section 125 CrPC claiming maintenance which of course is not a bar in claiming monetary relief in this case. But it does add to the urgency in granting an ex parte interim relief in favour of the petitioner so far as monetary relief is concerned.

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Prima facie, the application does disclose that there has been acts of domestic violence committed by the respondents. It is also a fact that the petitioner is residing at her father's house with her minor son. Accordingly, an ex parte interim monetary relief is allowed to the amount of Rs.6,000/- per month for the aggrieved person and Rs.4,000/- per month for the minor son. As for the other reliefs are concerned, the same is to be decided after the appearance and hearing of the other side.

Hence,

it is

ORDERED

that the ex parte interim petition is allowed in part.

The aggrieved person is to get Rs.6,000/- per month for herself and Rs.4,000/- per month for the minor son from respondent no.1 from the date of passing of this order. Respondent no.1 is directed to make payment by the 10th of each succeeding English calendar month failing which the aggrieved person is at liberty to execute the order as per law.

A copy of the order to be supplied free of cost to the parties to the application.

Copy of this order be sent to the Officer in Charge of PS Hirpur for information and reference.

To date for SR and appearance.

Requisites at once.

Dictated and Corrected by me

Sd/-
(Tashi C. Sherpa)
Judicial Magistrate,3rd Court,
Asansol

Sd/-
(Tashi C. Sherpa)
Judicial Magistrate,3rd Court
Asansol