

03-12-2025

Today is fixed for hearing of petition filed u/s 144 of BNSS

Both parties are present. Ld Advocates for both parties move before this court.

Facts of this case in brief are that the petitioner is the legally married wife of the respondent. From this wedding they have one daughter namely, Ruhi Dutta. After wedding the petitioner went to her matrimonial home with the Respondent where she had to face immense harassment, torture and violence for satisfaction of the respondent's and his family's dowry demand. Respondent also on 10-12-2024 assaulted her in an intoxicated condition. Eventually on 10-12-2024 the respondent and his family members, assaulted her mercilessly and drove her out of her matrimonial home along with her minor daughter. She has been residing at her parent's home since then. She states the respondent is a businessman with two grocery shops and many properties with a total income of about ₹60,000 each month. She states that she is unemployed and does not have bare minimum amount for her basic necessities. Hence, prays for an interim relief of Rs. 30,000/- from this court for herself and her child.

Respondent denies all the allegations levelled by the petition and has stated them to be false. He states she left the home on her own accord and he was willing to reside with the petitioner and their daughter with love and respect. He states that he is unemployed and is engaged in his father's village grocery shop from which he makes ₹5000-6000 a month. He states that the petitioner earns over Rs. 15000/- by providing tuitions to students. Therefore prays for the petition to be dismissed.

Perused the pleadings and Affidavits declaring assets and liabilities of both the parties.

Ld. Advocate for the petitioner stated that the marriage is admitted and the paternity of daughter is also admitted. Both the petitioner and daughter are residing in her parent's home and has no income. Whereas the Respondent has a fair income of Rs. 60000/- from his grocery shop. The respondent has not spent a single penny on them since she was driven away and therefore his claims of wanting to cohabit with them does not arise.

Ld. Advocate for Respondents states that the petitioner left home on her own will, and the Respondent is still willing to reside with her. His income is very low, and that he owns no grocery shop. He points out in the petitioner has in her affidavit stated that she is living with father but has quoted electricity and gas bills. The electricity bill is also unrealistic when considered with the fact that she has declared that she has no appliances. Then he states that in her affidavit she has claimed to be of low status income group but claims maintenance amount of Rs. 15000 and Rs. 5000 additionally. He also points out in her affidavit that she claims to travel by public transport but has written transport expenses to be Rs. 2000/- which is very unrealistic. He also points out that she claims to get treated in Government hospital but every month medical expenses are of Rs. 1000/-. hence he prays to dismiss this petition. He then submits an income certificate to reflect his income and also submits property papers that are owned by his father and grandfather. He states that those properties are not his. He alleges that the petitioner did not want to live with a poor man. Therefore prays for dismissal of the plaint.

Heard both parties in full and considered their arguments. The marriage and domestic relationship of both the parties is undisputed. There is no denial that the petitioner with her daughter is living separately and is not being maintained by the respondent. However, the income of the respondent is disputed. In such circumstances, the court keeps in mind that the

minimum wage fixed for unskilled labour is Rs. 397.37 per day or Rs. 10,329/- per month. The Respondent has not claimed any physical disability for not being able to maintain his wife and children.

It is now well-settled that the object of granting maintenance is not to reduce the claimant to a state of mere subsistence, but to ensure that she can live with dignity. In *Bhuwan Mohan Singh v. Meena & Ors.* [(2015) 6 SCC 353], the Hon'ble Supreme Court held that maintenance is a measure of social justice and that the wife should not be left to live a life of penury. Similarly, in *Rajnish v. Neha* [(2021) 2 SCC 324], the Apex Court emphasised that the concept of sustenance does not mean mere survival, but includes the right of the wife to live with reasonable comfort, considering her status and the means of the husband. The duty of the Court, therefore, is to fix such an amount as would enable the petitioner to secure a life of dignity, rather than a hand-to-mouth existence. The respondent's obligation is not discharged by offering a pittance; rather, the quantum must be fair, just and adequate to meet her basic needs and preserve her self-respect.

Hence keeping this in mind, the court is of the opinion that at this stage an amount of Rs. 6000/- is proper to be granted to the petitioner and her child. From this Rs. 3000 for the petitioner's lodging, fooding, medical, transport and other necessary expenses and Rs. 3000 is for her minor child's food, clothing, medication and other basic necessities for an infant.

Hence, it is

ORDERED

The respondent is directed to pay a sum of Rs. 6000/- per month to the applicant as monetary relief under Section 144 BNSS. This order is effective from the date of filing.

Respondent is directed to pay such amount by the 10th of every month as per the Gregorian Calendar.

The respondent is directed not to disturb the peaceful residence of the petitioner.

Any prayer not considered at this stage is deemed to be rejected and shall be considered at the stage of trial.

On failure of such payment, the petitioner is at liberty to claim this from the Respondent by way of law. This order shall be effective from the date of filing.

To **15.01.2026** for evidence.

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

Typed by me.

Sd/-

Ld. Judicial Magistrate
4th Court, Asansol
(In-charge)

Sd/-

Ld. Judicial Magistrate
4th Court, Asansol
(In-Charge)