

Mat Suit No. 137 / 2021

Reg. No. 137 / 2021

Order No. 52 dtd. 23.09.2025

Today is fixed for P.H.

Both parties have filed their respective haziras.

In view of order dtd. 02.07.2025, the PH of the suit shall commence after disposal of the J. Misc. case.

Fix – 19.12.2025 for PH.

D/C by me

Addl. Dist. Judge,
Bishnupur, Bankura .

Addl. Dist. Judge,
Bishnupur, Bankura

J. Misc. No. 15 / 2025

Reg. No. 15 / 2025

Order No. 53 dtd. 23.09.2025

Today is fixed for passing order.

This is an application u/s. 36 of the Special Marriage Act 1954 wherein the petitioner wife has prayed for alimony pendente of Rs.20,000/- per month and has also prayed for Rs.10,000/- as litigation cost.

The petitioner wife in her above application u/s. 36 of the Special Marriage Act has stated that her marriage with the OP husband was solemnized on 06.04.2018. It is submitted that the OP husband is a Sub-inspector of Police under WB. Police Service. The petitioner has alleged that her husband had illicit relationship with one of her female colleagues and for that reason he used to torture her physically and mentally and lastly she was driven out of her matrimonial house on 29.12.2020. According to the petitioner since that date she is residing in her parental house and is facing hardship in meeting expenses of her daily needs. She further submitted that the OP husband is earning Rs.50,000/- p.m. as his salary and hence she has prayed for above amount of alimony and litigation cost.

The OP husband has duly contested this application by filing a written objection thereto. It is submitted that he is already paying Rs.5000/- p.m. to the petitioner and therefore her claim that she has no income of her own is not true. It is further submitted that the petitioner is residing in the accommodation of her father she is not bearing any expenses towards the rent for her accommodation as well as any Electricity Bill. It is further submitted that the petitioner has filed false criminal cases against him u/s. 498A / 406 IPC and hence he has filed a suit for the dissolution of marriage against the petitioner. Thus according to him there is no merit in the prayer of the petitioner and accordingly the same should be rejected.

Both parties have already filed their respective affidavits of assets and liabilities. On perusal of the affidavits of assets and liabilities of the petitioner wife, it appears that she is already getting Rs.5000/- p.m. as interim maintenance from the OP husband in connection with Misc. Case No. 55 / 21. She is getting this amount since

17.11.2022. Her affidavit has disclosed she has no other income except the aforesaid interim maintenance. No child has been born from her wedlock with the OP husband. The affidavit has also disclosed she has no dependent family members and therefore she is not under any obligation to look after any of them. There is no liability of the dependent and there is no regular medical expenses by her for herself. However, she has prayed for alimony pendenlite of Rs.20,000/- p.m.

The OP husband has filed his affidavit of his assets and liabilities wherein also he has mentioned that he is paying Rs.5000/- p.m. as interim maintenance to the petitioner wife. In this affidavit he has stated that he has dependent parents for whom he has to bear Rs.10000/- p.m. and has also to bear Rs.16000/- p.m. as EMI of loan. He further said he is paying Rs.4400/- as monthly rent and his quarterly electricity bill almost Rs.2600/-. His affidavit also disclosed his monthly income is Rs.51,920/- Thus from his affidavit it appears that he is spending Rs.36000/- p.m. (including interim maintenance) whereas he is earning near about Rs.52000/- p.m.

The affidavit of assets and liabilities of the petitioner shows that her requirements is Rs.20000/- p.m. which includes house rent, medical bills, household expenses, transportation and other expenses. But it has already been stated by her that she resides in her father's house and hence she is not bearing any expenses towards house rent or towards the electricity bill of the same. In her affidavit she has said she is not suffering from any ailment and as such she is not bearing any amount towards her medical bills. She has not stated that she has to go to any place everyday for any purpose and hence she is not bearing any amount towards transportation cost also. Thus she is required money only for household expenses. Out of her requirement she is already getting Rs.5000/- p.m. as her interim maintenance.

After meeting all expenses an amount of Rs.14000/- remains with the OP husband as his savings. The petitioner wife after getting interim maintenance is required Rs.15000/- p.m. to meet her expenses but it has been established that she is not spending any money on account of house rent, electricity bill, transportation and medical bills though she had included those bills in the amount prayed for as alimony pendenlite. When she is not paying any money towards those bills certainly her need gets reduced to a considerable extent. As such the OP husband can not be directed to pay Rs.15000/- p.m. as alimony pendenlite in addition to interim maintenance which he is paying to his wife.

It has already been seen that the OP husband is paying near about Rs.6000/- p.m. towards house rent and electricity bills. In such circumstances, it can be presumed that

if the petitioner wife has to pay house rent and electricity bill she had to pay near about Rs.6000/- p.m. When she is not paying any amount on that account, the aforesaid amount should be reduced from her needed monthly expenses. Further when she has no transportation cost her monthly expenses would be much more lesser than what she has claimed in the instant application.

The OP husband is already paying Rs.5000/- towards interim maintenance of the petitioner wife and in such circumstances if he is directed to pay a sum of Rs.4000/- p.m. towards alimony pendenlite it will meet up her expenses.

Hence, it is

O R D E R E D

that the instant J. Misc. case is allowed on contest. The OP husband is directed to pay the petitioner wife a sum of Rs.4000/- (Rupees Four thousand) per month by 7th day of each succeeding Calendar month as alimony pendenlite until the disposal of the Matrimonial Suit No. 137 / 2021. There shall be no order regarding the cost of the litigation. Accordingly, this Misc. Case is disposed off.

D/C by me

Addl. Dist. Judge,
Bishnupur, Bankura .

Addl. Dist. Judge,
Bishnupur, Bankura