

In the court of Judicial Magistrate, 2nd Court Bankura

Present : Shamshad Ahmad (JO Code WB01454)

Misc 40 of 72 of 2025 (Regd. No. 67 of 2025)

Order dated 20.05.2025

Today is fixed for Order with regard to interim maintenance petition.

Both parties have filed their respective hazira.

Now, the record is taken up for passing Order in respect of interim maintenance petition.

This is an application supported by affidavit filed by the petitioner under section 144 BNSS claiming interim maintenance for herself from the O.P./husband to the tune of 10,000/- per month.

After filtering out the unnecessary fact, the factual matrix in brief of the petitioner's and O.P.'s case are as follows:

Ld. Counsel for the petitioner submitted that petitioner is the legally wedded wife of the OP and solemnized their marriage on 25.06.2024 as per Hindu rites and rituals. At the time of marriage, her father allegedly gave 52 grams of gold ornaments, furniture, household articles and other gifts as per the demand of the opposite party's family. After marriage, the petitioner started residing at her matrimonial home as wife of the opposite party. It is alleged that soon after marriage, the opposite party and his family members started subjecting the petitioner to physical and mental torture and pressurized her to bring more money from her parental home. On her failure to satisfy such demand, the torture and ill-treatment allegedly increased. The petitioner has further stated that she was often deprived of proper food and subjected to assault and humiliation by the opposite party and his family members. According to the petitioner, on 20.08.2025 she was assaulted and driven out from her matrimonial home. Thereafter, she took shelter at her paternal home and has been residing there since then. It is further alleged that despite repeated requests and attempts for amicable settlement by her parents, the opposite party and his family members misbehaved with them and refused to take the petitioner back. Accordingly, the petitioner has prayed for an order directing the opposite party to pay interim maintenance of Rs. 10,000/- per month for her maintenance during pendency of the proceeding.

On the other hand, the opposite party/husband has filed a written objection denying the allegations made in the maintenance petition. He has admitted that the petitioner is his legally married wife, but has contended that neither he nor his family members ever demanded dowry or additional money from the petitioner's family. According to him, the petitioner voluntarily left the matrimonial home along with her belongings and ornaments. The opposite party has further alleged that the petitioner was short-tempered, frequently quarreled with him and his family members, remained occupied with her mobile phone, and often disobeyed her mother-in-law. He has also alleged that the petitioner used to leave the matrimonial home frequently and created disturbances in the family. According to the opposite party, despite several attempts by him and

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mediation by relatives and family members for restoration of matrimonial life, the petitioner did not cooperate. The opposite party has denied all allegations of physical and mental torture and has instead alleged that he himself suffered mental agony due to the conduct of the petitioner. He has further contended that the maintenance case has been filed on false, fabricated and exaggerated allegations with an intention to harass him and extort money. Accordingly, the opposite party has prayed for dismissal of the maintenance petition. Hence, the instant petition should be rejected.

Heard. Considered. Perused the materials available on record including the affidavit of assets and liabilities and other relevant documents filed by the O.P.

On careful perusal of the interim maintenance petition and written objection to the same, I find that petitioner is the wife of the O.P. From the materials available on record, it appears to this Court that the petitioner and the O.P. are living separately from each other. I find allegations and counter allegations made by each party. The question as to whether petitioner was driven out or voluntarily left the house, is a matter of trial and it cannot be determined at this initial stage. But I find that petitioner a derelict woman, has been passing her days in great hardship owing to the financial crunch and has been rendered an additional burden to her parent. Thus, in my view if the petitioner being the destitute lady is not provided with the interim relief then she won't be able to survive her life. The sec. 144 BNSS is a social legislation and its object is to prevent vagrancy and destitution of wives, minor child and parents who are unable to maintain themselves. The petitioner in such distressing painful situation seeks maintenance for herself in the light of inflation in prices of commodities in order to lead a modest life free from burns of pains of hunger. On the other hand, the Opposite Party is claiming his income is Rs. 2,000/- to Rs.2,500/- per month as mentioned in affidavit of assets and liabilities declaration filed by the O.P. However, such disclosure does not appear to be believable or sufficient for sustaining even his own livelihood in the present-day circumstances considering the prevailing market price of essential commodities and cost of living. Now, I am of the view that the credibility of the same may be ascertained during trial and I am of the view that the OP is able bodied and has sufficient capacity to pay the maintenance.

In my view, it will be just and proper, reasonable and sufficient in the instant case after considering the status of the parties, if the O.P. is directed to pay interim maintenance allowance at the rate of Rs. 5,000/- per month for the petitioner in such inflated market price of the essential goods for the survival of lives.

In my view quick disposal of this case is very much necessary. Thus, I direct both the parties to be ready for adducing their evidence by the next date.

Hence, it is

ORDERED

that the application for interim maintenance under section 144 BNSS is considered and allowed on contest.

The petitioner is entitled to get an amount of Rs. 5,000/- per month for herself towards interim maintenance allowance from the opposite party from the date of this order.

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The opposite party is directed to make payment of Rs. 5,000/- per mensem to the petitioner for her maintenance within the 10th day of every succeeding English calendar month, failing which the petitioner would be at liberty to execute the order so passed.

A copy of this order is given to the petitioner free of cost. The petition for interim maintenance is thus disposed of.

Fix 29.07.2026 for evidence.

Petitioner to file affidavit in chief after serving the copy.

Dictated and corrected by me

**J.M. 2nd Court,
Bishnupur, Bankura.**

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Bishnupur, Bankura.**