

Misc Case no-129 of 2025

Order dated: 22-12-2025

Today is fixed for order in respect of interim petition.

An advocate hazira filed on behalf of the OP.

Record is taken up for passing of order.

Perused the petition for interim maintenance, written objection and the affidavit of assets and liabilities of both parties alongwith the copy of documents filed by the OP.

The petitioner Priyanka Karmakar has filed interim maintenance petition praying for interim maintenance to the amount of Rs. 25000/- from the OP Sanjoy Karmakar. She has stated in her petition that they got married on 16-12-2022 as per Hindu Rites and Customs. They have one minor daughter out of the marriage. She has alleged that the OP and his family inflicted physical and mental torture upon her. The OP is in the Indian Army and when he used to come home from his service, he used to abuse her for no reason and assaulted her. She was driven out from her matrimonial home on 06-08-2025 and is living with her minor daughter at her parents house. She has filed a criminal case at Joypur P.S being no. 205/2025 dated 07-08-2025 under S. 85/109(1) of BNS against the OP and his family. That the OP earns more than Rs. 1,00,000/- in the Indian Army and she has no source of income and accordingly has prayed for interim maintenance.

The OP appeared on 12-09-2025 and filed his written objection alongwith affidavit of assets and liabilities on 01-12-2025. The OP in his written objection has admitted their marriage, the birth of their minor daughter and his service in the Indian Army. He has filed a copy of the petition filed by him under S. 22 of the Special Marriage Act for restitution of conjugal rites being Mat Suit no. 254 of 2025 and one copy of Form 16 for the financial year 2025-26. He has denied all allegations of cruelty and torture made against him and his family. He has contended that the petitioner left her matrimonial house voluntarily on 18-07-2025 and despite several meeting of compromise the same has failed. He has further stated that his salary is Rs. 50494/- and he has to look after his old parents. He pays Rs. 20000/- to his old parents. That the petitioner is qualified and capable of earning an income and she is exploiting the system to fulfill her selfish goals. Therefore he has accordingly prayed for dismissal of the interim maintenance application.

The marriage, birth of the child is admitted fact of this case. The petition and W/O reveals that at present the petitioner is living at her father's house with her minor daughter. It is also admitted that OP is in the Indian Army. The allegation and counter allegation are matters of trial. At this stage it is to be seen by this Court whether there is a need for maintenance to the petitioner and her minor daughter or not. The petitioner has no source of income. On the other hand OP stated that his gross monthly salary is Rs. 50494/- and out of which he pays Rs. 20000/- per month to his old parents and his monthly expenditure is Rs.

15000/- . In his affidavit he has declared that his monthly expenditure is Rs. 48598/- which appears to be inflated amount. But having considered that the OP is employed and able bodied and the petitioner being his legally wedded wife who is taking care of their minor daughter, I find that the petitioner is entitled to get interim maintenance at this stage and amount of Rs. 10000/- per month as interim maintenance will be reasonable and not prejudice the OP.

Accordingly it is,

ORDERED

that the present application for interim maintenance allowance is hereby allowed on contest in part in favour of the Petitioner but considering the circumstances without any cost.

Opposite Party Swapan Karmakar is hereby directed to make payment of a sum of Rs. 10000/- (ten thousand only) per month to the petitioner Priyanka Karmakar as interim maintenance allowance from the date of filling of the petition i.e., 13-08-2025 till disposal of this case.

The payment shall be made within 10th day of each succeeding English Calendar month failing which, the petitioner is at liberty to execute the same as per law.

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

Fix 28-01-2026 for evidence.

Both parties to come ready.

Dict. & corrected by me

ACJM, Bishnupur

A.C.J.M., Bishnupur.

J.O Code WB01106