

Misc. Crl. No. 230 of 2023

04.09.2024

Today is fixed for passing order for maintenance which is heard exparte.

This petition under section 125 Cr.P.C was filed by the petitioner Smt. Munmun Kundu Biswas on 04.10,2023 against her husband Parimal Biswas hereinafter referred as Opposite Party for claiming Maintenance allowance of Rs.15000/- per month for herself and Rs.7500/- each per month of her two minor child. Petitioner's case in brief is that she petitioner got married to O.P in the year 2006. Out of the wedlock she gave birth to one daughter and one son. They are student of class IX and V respectively. The petitioner was subjected to physically torture as she failed to meet up the demand of the OP to give him cash amount of Rs.5,00,000/-. For the purpose of study of her children, she settled at Hemtabad as the opposite party is a transferable service. The opposite party used to sent Rs.19,000/- to the petitioner. Since last one year the opposite party stopped sending any money to the petitioner. Finding no other alternative the petitioner is residing at her father's house. The petitioner does not have any independent source of income, whereas on other hand the opposite party is a branch Manager of Bandhan Bank wherefrom he earns Rs.60,000/- per month. Hence, this case whereby she has claimed a maintenance allowance of Rs.15000/- per month for herself and Rs.7500/- each per month of her two minor children.

The case proceeded exparte since 14.05.2024.

Petitioner has very categorically stated in her application that she is residing in her father's house with his two children and OP is not providing maintenance to her due to which she is facing extreme hardship. The petitioner has deposed as PW1 wherein she corroborated all the materials facts of the petition.

Perused the materials on record. Since the case was heard on exparte and the O.P puts no case in his favour, the petitioner's claim and allegation can be considered to be genuine.

Therefore, considering all the facts and circumstances and the prima facie case which the petitioner has made out, I am of the opinion that the prayer of the petitioner for the claim of maintenance should be allowed. However , I have fixed the quantum taking into consideration the various facts and circumstances of the case.

Hence, it is

ORDERED

that the Misc. Case be and the same is allowed exparte against the O.P . The O.P is directed to pay maintenance of Rs.10,000/- towards the maintenance of the petitioner and Rs.5,000/- each of her two minor children in total Rs.20,000/- from the date of filing of this case. The O.P shall pay the aforesaid amount of maintenance to the petitioner by the 10th day of every succeeding English Calender month in default of which the petitioner will be at liberty to execute order by the process of law.

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

Dictated & Corrected by me.

J.M. 2nd Court
Raiganj, Uttar Dinajpur

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