

**The Court of Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur
Present : Sagarika Khatun, Judicial Magistrate, Gangarampur at Buniadpur
JO Code : WB 01483**

MR Case No. 98 of 2024

Regd No. 97 / 2024

Parama Saha vs. Anoy Kumar Kundu

Order No. 17

Dated 30.01.2026

Today is fixed for passing of order for interim order u/s 144 of BNSS and the record is taken for the same.

This Court has heard submissions of Ld. Advocates of both sides and considered.

The petitioner has filed photocopies of her Aadhaar card, Marriage certificate and ROR of Sabita Kundu.

Both of the petitioner and the OP have filed their respective Affidavits of Assets and Liabilities for Non-Agrarian Deponent.

Perused the respective pleadings of the parties and their Affidavits of Assets and Liabilities for Non-Agrarian Deponent.

In a nutshell the petitioner case is that the petitioner is legally married wife of the OP. Their marriage was solemnized on **11.12.2019** as per Hindu rites and customs. After marriage the petitioner and the OP started to reside as husband wife in the house of the OP. The petitioner had a female child namely **Mouparna Kar** from her previous marriage. As per commitment of the OP just after marriage the petitioner along with her daughter namely **Mouparn Kar** started to reside with the OP at her matrimonial house but after some time due to pressure of the OP the petitioner had to leave her daughter at her parental house. During her stay with the OP the petitioner was subjected to physical and mental torture by the OP on demand of dowry. The OP did not provide proper food to the petitioner and abused her with filthy languages. Due to torture upon the petitioner she became sick but the OP did provide medical treatment to her. The petitioner has no source of income and unable to sustain herself. On the other hand the OP is a Play Artist and he has landed property and he also has stock business and in total he earns around **Rs. 50,000/-** per month. The OP in spite of having sufficient means refused and neglected to maintain his wife fully knowing that the petitioner is unable to maintain herself.

On the other hand the OP has appeared in this case and filed written objection against the application for interim maintenance allowance.

Ld. Advocate for the OP has submitted that the OP admitted the petitioner as his legally married wife but denied all allegations in the petition praying for interim maintenance allowance. Ld. Advocate for the OP specifically has submitted that the petitioner left her matrimonial house according to her own wish. He also has submitted that presently the OP is working as delivery boy at DTDC courier and he also has liability to look after his aged sick mother. Therefore, in above circumstances Ld. Advocate for the OP has prayed to reject the prayer of the petitioner for interim maintenance allowance.

No document regarding income of the OP has been filed.

On perusal of Affidavits of Assets and Liabilities filed by the OP it appears that he earns Rs. 300/- per day though he expenses Rs. 2000/- per month for the purpose of medicine for his mother. Therefore it is presumed that he has ability to maintain his mother as well as his wife.

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Dt. 30.01.2026

At this stage while disposing of an application for interim maintenance allowance this Court is to consider the prima facie materials only. At this stage this Court is not suppose to consider the factual aspect which would be decided after the evidence is recorded.

Considering the submissions of Ld. Advocates, documents, Affidavits of Assets and Liabilities this Court is of cogitated opinion that the petitioner is legally married wife of the OP and the OP presently are residing separately from each other. The petitioner is unable to maintain herself. The OP having sufficient means is liable to maintain his wife and it is required to pass an interim order in favor of the petitioners. Therefore, the OP should pay interim maintenance to the petitioners for maintenance of his wife.

In the backdrop of the prevailing socio economic circumstances inflicted with inflationary proclivities in prices of the essential commodities and the status and necessities of the parties, the OP is directed to pay monthly allowance of interim maintenance amounting to **Rs. 3000/-** for the petitioner as interim maintenance allowance. This Court is inclined to make this order effective from the date of filing of this case ie **19.08.2024** till the disposal of the case.

Hence, it is

ORDERED

that the application praying for interim relief u/s 144 of the BNSS. be and the same is granted on contest without any order as to cost. The OP namely **Anoy Kumar Kundu** is hereby directed to pay monthly allowance of interim maintenance amounting **Rs. 3000/-** for the petitioner namely **Parama Saha** within 7th day of every succeeding month of English calendar. In default the petitioner no.1 shall be at liberty to take legal action as may be necessary for the recovery of arrears of monthly interim maintenance allowance. The order be effective from the date of filing of this case ie **19.08.2024** till the disposal of the case.

Provide a copy of this order to the petitioner free of cost.

Fix for evidence. Update CIS.

Dictated & corrected

JM, Gangarampur at Buniadpur

Signature
JM, Gangarampur at Buniadpur