

**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. 124 of 2024**

**TR No. 1388 of 2024**

**Regd No. 123 /2024**

**CNR No. WBDD0600 4564 2024**

**Barsha Sarkar**

**..... Petitioner**

**VS.**

**Ujjal Sarkar**

**..... Opposite Party**

**ex parte Final order u/s- 144 of BNSS**

**Order No. 12**

**Dated 16.04.2026**

Today is fixed for passing of ex parte final order u/s- **144 of BNSS**.

The petitioner files attendance.

The record is taken up for passing ex parte final order u/s- **144 of BNSS**.

The case of the petitioners in brief is that the petitioner namely **Barsha Sarkar** is wife of the OP namely **Ujjal Sarkar** and their marriage was solemnized on **31.07.2023** as per Hindu rites and customs. The marriage between the parties was outcome of love affairs and at the time of marriage nothing had been given as dowry by the family of the petitioner to the OP . After marriage the petitioner went to her matrimonial house and started to reside with the OP as husband and wife. After some time the petitioner was subjected to physical and mental torture by the OP and his family members on demand of dowry. The OP and his family member demanded Rs. 2,00,000/- in cash and gold ornaments as post marriage dowry from her parents but the petitioner refused to fulfill their illegal demand. The torture upon the petitioner was increased. On 14.11.2023 the OP and his family members physically assaulted the petitioner and drove out her from her matrimonial house. Somehow the petitioner made to call to her parental house and she was taken to her parental home. Afterward 20.01.2023 a settlement meeting was held at the house of the petitioner and in the said meeting the OP and his family members abused the petitioner with filthy language and left the meeting after threatening the petitioner with dire consequence. On 29.12.2023 the petitioner lodged a criminal case against the OP and his family members at Harirampur PS. Thereafter on 29.12.2023 the OP and his family member came at Harirampur PS and took the petitioner with them after executing written note and promised that they would not torture the petitioner in future. But after some days the OP and his family member again started to torture the petitioner. Lastly, the OP and his family members physically assaulted the petitioner and drove out her from her matrimonial house. The petitioner took shelter at her parental house. At present the petitioner is residing at her matrimonial house. The petitioner has no source of income and is unable to maintain herself. On the other hand the OP is able bodied person and an established person and has 5/7 Bigh landed property and also has stock business and earns around Rs. 30,000/- to 40,000/- per month. In spite of having sufficient means the OP willfully neglected and refused to maintain his wife knowing fully well the petitioner has no

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source of income and unable to maintain herself and her minor son. The petitioner has claimed monthly Rs. 20,000/- for herself as her monthly maintenance allowance from the OP.

Notice had been duly served upon the OP but despite of serving Notice the OP did not appear before this Court. Subsequently on **28.02.2025** this Court ordered to proceed this case ex parte against the OP.

The petitioner has submitted Affidavit of her Assets and Liabilities.

The petitioner has been examined as PW 1.

No document has been marked as Exhibit.

PW 1 has stated in her deposition that she has filed this case against her husband. She got married with the OP on 31.07.2023 and their marriage was out come of love affairs and they eloped and got married. She further has state that her parents being poor could not give anything to the OP as dowry and after one month of her marriage she was tortured for demand of dowry. She also has stated that family members of the OP could not accept their marriage as it was out of love. She again has stated that she was not allowed to go anywhere and she was not provided with proper food and care. She has stated that her husband physically assaulted her and on 14.11.2023 she was evicted from her matrimonial house and thereafter her husband did not take information of her well being and also did not send any maintenance. In her deposition she has stated that her husband has 5/7 Bighas landed property and works as from which he earns RS. 20,000 to 40,000/- per month in total and she has prayed for an amount of Rs. 20,000/- per month for herself.

Thus the proceeding u/s- **144 of BNSS** is quasi- civil in nature and rules of pleading and appraisal of evidence as applicable in civil proceeding are not be totally disregarded. In the light of above said precedent this Court is of view that decision must be on the basis of preponderance of probabilities. When the beneficiaries are destitute who are generally from vulnerable section of the society insistence on the strict proof as to standard of evidence, may only tend to defeat the purpose for which the relevant provisions have been enacted.

As the OP did not appear and did not contest the case to disprove the case of the petitioner. Therefore this Court relies upon the unchallenged testimony of the petitioner. Thus this Court is of opinion that there is profound preponderance of probability that the petitioner is legally wedded wife of the OP and the petitioner is presently residing separately from the OP and the petitioner is unable to maintain herself. It is also viewed that the OP has sufficient means to maintain the petitioner. Therefore the petitioner is entitled to get maintenance from the OP.

Now, while fixing the quantum of maintenance the petition has claimed that the the OP has has 5/7 Bighas landed property and works as from which he earns RS. 20,000 to 40,000/- per month. But no document has been produced to show the income of the OP. On the assessment of the capacity, status and necessity of the parties this Court is of cogitated opinion that the OP should pay **Rs. 3000/-** for the petitioner as her monthly maintenance allowance that should meet the ends of justice.

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Hence, it is

**ORDER**

that the application u/s- **144 of BNSS** be and the same is granted ex parte without cost. The OP namely **Ujjal Sarkar** is directed to pay monthly allowance of maintenance in tune of **Rs. 3000/-** for the petitioner namely **Barsha Sarkar** either in cash or by banking or postal process within the 7<sup>th</sup> day of every succeeding month of English Calendar. In default the petitioner shall be at liberty to take recourse of necessary legal action for recovery of arrears of maintenance. This order shall be effected from date of filing of this case ie **06.11.2024**

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

**Thus this case is disposed off.**

**Note in the Trial Register.**

Dictated & Corrected by me

JM, Gangarampur at Buniadpur

Signature

JM, Gangarampur at Buniadpur