

IN THE COURT JUDICIAL MAGISTRATE, GANGARAMPUR AT
BUNIADPUR
PRESENT : KHALEDA MANNAN
J. O CODE NO. 01122
MR. 135/2018, Regd No. 85/2018
WBDD06-004954-2018

Order No.21
04-06-2022

Today is fixed for hearing of interim maintenance petition dated 05-10-2018 praying for interim maintenance to the tune of Rs. 3000/- for the petitioner namely Rakiba Khatun and her minor child for Rs. 2000/- inter-alia on the ground that she got married to the opposite party Jamshed Ali on 18-06-2017. According to the demand of the opposite party at the time of marriage Rs. 1, 60, 000/-, golden ornaments and other gifts were given, with which the petitioner went to her matrimonial home. It is alleged that the petitioner, to her utter horror discovered an illicit relationship between opposite party and her sister in law namely Lutfa Begum. Over this issue and for further demand of Rs. 2, 50, 000/- the opposite party and his family members used to torture the petitioner. She has a minor son namely Rohit Rana out of the wed lock. It is alleged that on 06-02-2018 the opposite party has taken the petitioner and her son to her paternal home and since then he has taken no information about them. It is stated further that petitioner is unemployed and do not have means to maintain herself and her minor child.

On the other hand opposite party is an able bodied person and has monthly income of Rs. 20,000/-. Hence, she prays for the above maintenance.

In support of her petition she has filed an affidavit of assets and liabilities where she has mentioned that she has to incurred Rs. 2, 000/- towards subsistence of her minor child and Rs. 1, 000/- for his educational and general expenses.

Denying and disputing all the material allegations the opposite party has filed a written objection on 17-07-2019, admitting the marriage and paternity of the child. He has stated that he has neither neglected the petitioner nor the child and he has been sending the money regularly from Delhi. He stated further that the opposite party is ready and willing to reside with the petitioner but the petitioner is reluctant to reside with the opposite party.

Hence, prays for rejection of the instant petition. In support of the contention of the W.O the opposite party filed one affidavit of assets and liabilities stating his monthly income to be Rs. 5, 000/- to Rs. 6, 000/- and that he has other family liabilities to bear.

Heard Ld. Advocates, at the time of the hearing of the petition.

It appears that the marriage and the paternity of the child is admitted fact.

It appears on the perusal of the document filed by the opposite party that he has been sending money in the bank account of the petitioner in the year 2018 on repeated occasion. Moreover, it appears that he has executed a registered deed of sale in favour of the petitioner.

It also appears from the photocopy of the agreement in between the parties that there was a settlement in between the parties in the year 2020 for resumption of their conjugal life.

In this predicament it is to be mentioned that the subject matter of all the above mentioned document are matters of evidence and to be proved at the time of trial.

Since, the marriage and paternity are admitted and the petitioner claims herself to be unemployed by dint of an affidavit of assets and liabilities, I am of the opinion that keeping in mind, the intention of the legislature that is to prevent destitute and vagrancy, that a monthly interim maintenance to the tune of Rs. 2,000/- and Rs. 1,000/- for her minor son, would meet the ends of justice, without unduly prejudicing the opposite party at this stage. Hence, it is

ORDERED

that the petition praying for interim maintenance dated 05-10-2012 be and the same stands allowed on contest without any order as to further costs.

The opposite party namely Jamshed Ali is hereby directed to pay Rs. 2, 000/- for the monthly maintenance of the petitioner Rakiba Khatun and Rs. 1, 000/- towards maintenance of minor son Rohit Rana, by 10th of each succeeding month. Failure to which the petitioner shall be on the liberty to take recourse as per law.

Let this Order come in to effect from this day.

Let a copy of this Order be given to the petitioner free of cost and forthwith.

Fixing 31-08-2022 for evidence.

D/C

Khaleda Mannan
Judicial Magistrate
Gangarampur at Buniadpur
J.O Code No.01122
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Judicial Magistrate
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