

Order No.08

Dated:13.03.2026

Today is fixed for hearing and further order.

Both sides are present.

On hearing the Ld. Advocate for both side and the parties are examined on dock. They have been given one hour time to discuss for which they have mutually settled for the sum of Rs. 7000/- per month.

Heard both sides.

Perused the case record and available materials.

The present petition has been filed under Section 144 of the Bharatiya Nyaya Suraksha Sanhita (BNSS) by the petitioner seeking maintenance allowance of ₹15,000/- per month from her husband, the Opposite Party (OP).

The petitioner has stated that she is unemployed and has no independent source of income. She has further stated that she is facing financial hardship in meeting her day-to-day expenses, including food, medical treatment, and other essential needs. It is also on record that the parties have a son, namely Abanson Lohar (DOB: 10/01/2010), who is presently residing under the care and custody of the OP. The petitioner has contended that the OP, being employed with Punjab & Sindh Bank, earns approximately ₹25,000/- per month and is financially capable of providing maintenance to her.

On the last date of hearing, both sides were heard.

From the submissions and the record, it is evident that the parties have amicably settled their dispute, whereby the OP has agreed to pay a sum of ₹7,000/- per month towards maintenance to the petitioner.

Section 144 BNSS empowers the Magistrate to direct payment of maintenance to a deserted wife who lacks sufficient means to maintain herself. The provision is intended to secure the basic sustenance of such a woman and to prevent destitution. In the present case, the petitioner has demonstrated her inability to maintain herself, and the OP has acknowledged his responsibility by agreeing to pay the settled amount.

While the petitioner initially sought ₹15,000/- per month, the parties have voluntarily arrived at a settlement fixing the maintenance at ₹7,000/- per month. Considering the statutory framework, the financial capacity of the OP, and the consensual nature of the settlement, I am of the considered

view that the agreed sum of ₹7,000/- per month is fair, reasonable, and sufficient to meet the petitioner's financial needs in the prevailing circumstances.

Therefore, I in such facts and circumstances, inclined to allow the petition.

Hence, it is

Ordered

That the instant case be and the same is allowed on consent.

OP is hereby directed to make payment of Rs.7000/- per month to the petitioner as maintenance allowance.

Let the joint compromise petition be made part of the order.

The instant order shall take its effect from the date of passing of the order and the OP shall go on making such payment within 7th of every succeeding English calendar month.

On failure of the OP to make the aforesaid payment or in part there of, the petitioner shall have liberty to take re-course of law for its realization.

Interim application if any, deemed to be rejected.

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

Thus, the instant case is disposed of.

D & C by me

Chief Judicial Magistrate,
Darjeeling

Chief Judicial Magistrate
Darjeeling