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Misc. Case No. 301 of 2023

Order Dated: 30-06-2025

Today is fixed for hearing of the petition praying for interim maintenance.

Parties file hazira.

Heard both sides in full.

The application for interim maintenance filed by the petitioner Dalia Saha Dasgupta on 17-02-2024 is taken up for passing of order.

The case of the petitioner is that, the marriage in between the petitioner and the opposite party was solemnized on 23-01-2009 as per Hindu Law and rites. Thereafter she led conjugal life with him at her matrimonial house. Their marriage was duly consummated. In her matrimonial house she came across physical and mental torture meted out to her by the opposite party and his family members. Ultimately under compelling circumstances she left her matrimonial house and since then she has been living at her paternal house. She has no income of her own. According to the petitioner the O.P. is an able bodied person and earns Rs. 60,000/- p.m. from his job as he works as a permanent employee in S.J.Construction at Nandarampur, Suatahata and also according to the petitioner he is also a Labour supplier and also earns Rs. 15,000/- from his landed property. In the light of such fact the petitioner has prayed for grant of interim maintenance allowance of Rs. 25,000/- p.m. for herself.

The opposite party appears before this court and filed written objection against the application for interim maintenance allowance. Ld. Advocate on behalf of O.P. files asstes and liabilities suuported by an affidavit. The Ld. Advocate for the op submits before the court that he is a day labour in S.J. Construction wherefrom he gets earning of total Rs.9,000/- to 10,000/- p.m. Ld. Advocate on his W.O. also submits that his parents also dependent upon O.P.

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Ld. Advocate for the OP further submits that the petitioner left her matrimonial house on her own accord. Therefore, in

the above circumstances the OP prays for rejecting the prayer of interim maintenance allowance by the petitioner.

In the present case the petitioner has been staying at her parental house and the opposite party, in discharge of his legal obligation, did not provide any maintenance to her till date. The opposite party being an able bodied person is under legal obligation to provide maintenance to his legally married wife and as such having regard to the facts and the circumstances of the case I am inclined to allow the application for interim maintenance for the petitioner.

Hence, it is

O R D E R E D

That the application for interim maintenance dated 17-02-2024 is hereby allowed on contest but without any costs.

The Opposite Party is hereby directed to pay interim maintenance allowance of Rs. 3,000/- p.m. for the petitioner from the date of the application/ filing until disposal of the case within 10th day of each succeeding English calendar month without default else the petitioner shall be at liberty to execute the order in accordance with law.

Fix 28-08-2025 for Evidence.

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

Dictated & corrected by me.

ACJM

Addl. Chief Judicial Magistrate, Haldia