

Misc Case 144 of 2022
Arising out of Mat suit 58 / 2022
CNR No. WBHG01-003764-2022
(J.O code WB 00877)

Order no. 29 dt. 30.07.2026

Both parties filed their respective hazira.

Today is fixed for passing order.

The case record is taken up for passing order in respect of an application under Sec. 24 of Hindu Marriage Act filed by the petitioner/wife.

According to the petitioner her marriage with the respondent was solemnised on 18.11.2025 following Hindu Rites and Customs and their marriage was duly consummated in the house of the respondent. It is alleged that she was not able to continue her matrimonial life peacefully due to illegal and wild behavior and violent conduct of the respondent ignoring to provide love and affection towards her and she was subjected to cruelty by the respondent. Finally she was driven out from her matrimonial home by the respondent keeping all her belongings and stridhan articles in their custody due to non fulfillment of dowry and as a result she was compelled to take shelter in her paternal home and initiated a criminal proceeding under section 498A/406 IPC. According to the petitioner she has no sufficient means to maintain herself, whereas the respondent is earning Rs.45000/- per month from his business of transport. The petitioner has prayed for alimony pendente lite at a tune of Rs.10,000/- per month and also Rs.10,000/- as litigation cost.

The respondent by filing written objection denied and disputed all the material facts and allegations as alleged by the petitioner and specifically contended that during their stay at his house the petitioner treated him like a maid servant and when he made protest against such behavior, the respondent started showing cruel behavior towards him and assaulted him on many occasions. It was also contended that he always has inclination to her wife and intent to pursue marital life but dispassionate petitioner never permitted to continue their marital life. Moreover, the petitioner left her matrimonial home voluntarily without any cause or reason and voluntarily withdrawn herself from the society of the respondent without just cause. He also denied his income and profession mentioned in the application and contended that he has been suffering from so many ailments due to his old age and the petitioner is not entitled to get any amount as maintenance.

It is the admitted fact that the parties are the legally married husband and wife and their marriage was solemnised on 18.11.2015. It is also the undisputed fact that the parties are residing separately for last few years and a criminal proceeding initiated

by the petitioner under Sec. 498A/406 IPC is pending against the respondent/husband. In the application as well as in the written objection both the parties raised serious allegations against each other but while deciding the prayer for alimony pendente lite the Court has no opportunity to enter into the merit of the disputes which will be adjudicated after giving sufficient opportunity to the parties to lead evidence. It is the moral and legal obligation on the part of the respondent as husband to provide maintenance to his wife who has no means to maintain herself. Considering the status of the parties, standard of living and income of the respondent. According to the petitioner the respondent earns Rs.45,000/- per month from his business of transport which was denied and disputed by the respondent. However from his written objection I do not find anything to show that the petitioner has any independent source of income.

Both the parties filed affidavit of assets, income, expenditure and liability. I have gone through the affidavit of assets submitted by parties. The petitioner failed to submit any prima facie document to show that the respondent earns Rs.45,000/- per month or he has any business of transport. Considering the above facts, status of the parties and standard of living I am of the opinion that cause of justice would be subserved if the petitioner is granted alimony pendente lite of Rs.5000/- per month for her maintenance.

Hence, it is

ordered,

that the application under Sec. 24 of Hindu Marriage Act filed at the instance of the petitioner/wife is allowed on contest without cost.

The respondent/husband is directed to pay Rs.5000/- per month to the petitioner as alimony pendente lite from the date of filing of the application (09.09.2022). Such amount is payable by the 05th day of every English calendar month. The respondent is further directed to clear arrear maintenance by 10 equal installments along with current maintenance.

Petitioner is also entitled to get Rs. 10,000/- as litigation cost.

Instant misc case is accordingly disposed of.

Note in the register.

Dictated & corrected by me

Sd/- R. Sur
Additional District Judge,
1st Court, Hooghly

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