

**IN THE COURT OF JUDICIAL MAGISTRATE, 2<sup>nd</sup> COURT, SERAMPORE,  
HOOGHLY.**

**M. C No. 75 of 2022**  
**CNR- WBHGO6005502022**  
**TR. no.-145/22**  
**J.O. Code: -WB01414**

**Order dated 18.06.2024:**

Today is fixed for passing order.

Both parties file their respective haziras.

Heard both the sides in full on earlier date.

The record is now taken up for passing order.

The petitioner's case in nutshell is that she is the wife of the respondent namely Purnendu Dey. She got married with respondent on 19.11.2015 as per Hindu customs and rites and her marriage was duly registered. At the time of marriage, dowry was also given by the family of the petitioner to the O.P and his family members. After marriage she moved to her matrimonial house under Dumdum P.S and started her conjugal life. Soon after their marriage, the petitioner was subjected to mental torture and humiliation. Lastly, on 04.06.2020, being assaulted and humiliated the petitioner left the house of the O.P and started to stay at her father's house. Further, the petitioner submits that her efforts to reconcile the issues with the O.P also went futile.

The petitioner stated that she has no independent source of income to maintain herself and her son. On the other hand, respondent is a working man and he earns Rs.40,000/- - Rs. 50,000/- per month. The petitioner, therefore, prays for interim maintenance @ Rs.35,000/- per month for herself.

Opposite party objected to such prayer by filing written objection and denied all the material allegation as alleged by the petitioner.

The opposite party admitted the marriage. The O.P denied the allegation of torture upon the petitioner. The O.P stated that the petitioner is a quarrelsome lady and never took care of her in-laws. The petitioner used offensive language and disrespected her in-laws. Relating to income, the respondent has stated that he earns about Rs.10,000/- - Rs.26,000/-per month as commission agent of LIC from which he also has to maintain his old and ailing parents. Thus, he prays for rejection of the interim maintenance petition filed by the petitioner.

To get the order of maintenance the petitioner required to prove that she is legally wedded wife of the O.P, the O.P. has refused to maintain her, and the petitioner is unable to maintain herself.

On perusal of the record, this court is of the view that the respondent has admitted the marriage. The respondent has not provided any maintenance to the petitioner. The respondent has admitted in his written objection and also in the affidavit of asset and liability that he earns Rs.10,000/- - Rs.26,000/- per month as commission agent of LIC.

Petitioner has stated that she has no source of income and she is unable to maintain herself. It is pertinent to note that the object of Section 125 of Cr.P.C. is to give social justice to the women, child, and infirm parents and to prevent destitution and vagrancy by compelling those who can

support themselves and have a moral claim to support. Considering the income of the respondent, this court is of the view that Rs. 5000/- in total will be sufficient for the petitioner at this stage and it will not be a burden upon the respondent.

Considering the abovementioned observations and asset declaration of both the parties, this court is of the view that the interim maintenance application of the petitioner to be allowed at this stage.

Hence, it is

**ORDERED**

That the petition filed by the petitioner praying for interim maintenance is hereby considered and allowed on contest. The opposite party of this case is hereby directed to pay monthly interim maintenance in the tune of Rs.5000/ (Rupees Five Thousand Only) per month until disposal of this case and within 7th day of each succeeding English calendar month, in default of which, the petitioner would be at liberty to prefer execution as per law.

The instant order of interim maintenance would be operative on and from the date of filing of the interim maintenance application i.e. 10.08.2023 and would be remained in force until disposal of this case or until further order whichever comes earlier.

The opposite party is further directed to pay the outstanding arrear quantified for the period beginning on and from 10.08.2023 to the date of this final interim order i.e. 18.06.2024 of Rs.5000/- (Rupees Five Thousand Only) X 10 months in aggregate of total Rs.50,000/-(Rupees fifty Thousand Only) within six months from the date of this order simultaneously with the payment of regular monthly interim maintenance, in default, the petitioner would be at liberty to prefer execution as per law after expiry of the stipulated period.

Let a copy of this order be made available to the petitioner free of cost on prayer.

Fix **31.08.2024** for evidence.

**Typed and corrected by me**

**Sd/-(Ankita Gupta)  
Judicial Magistrate, 2<sup>nd</sup> Court  
Serampore**

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