

Misc Case- 248/2024
CNR NO. WBHG06-001360-2024

Order dated – 28.07.2026

Today is fixed for passing order in respect of the application for interim maintenance.

OP filed haziras.

Both sides were previously heard in full.

Ld Advocate for the petitioner submitted that the petitioner got married to the OP on 16/04/2010 as per Hindu rites and customs. It is further stated that the marriage took place as per the whim of the petitioner and the marriage took place at the house of her aunt at Magra against the consent of the family members of the petitioner. After 3 days the petitioner went to her matrimonial home at Khas Bagan Lane, Serampore where she was accepted by her in laws co-ordially. Out of the wedlock a female child namely Ushashi Das was born on 03/09/2013. On October 2018, the petitioner joined Serampore Municipality as Asha Karmi and since then the OP started to suspect the petitioner about her character and started to misbehave with her and neglect her along with her daughter. The OP had started to inflict torture upon them. The OP stopped providing maintenance to them and started consuming liquor and he had also started to abuse them with slang languages. The OP also used to assault the petitioner mercilessly, attacked her with sharp weapon and he also tried to kill her. The in laws of the petitioner saved her and her daughter from the OP. The torture increased gradually and the relationship started to ruin between the parties. On 12/05/2024 the petitioner was compelled to leave her matrimonial home with her minor daughter and went to her paternal home to save their lives as per the advice of her in-laws. The OP neither provided any monetary help to the petitioner or her child.

The OP is said to be working in India Jute Mills at Serampore wherefrom he earns Rs15,000/- per month. The Ld Advocate petitioner also stated that the petitioner earns Rs 5000/- per month as Asha Karmi Accordingly, As such she has prayed for maintenance of Rs.5,000/- per month for her minor daughter.. Hence the petition.

The Ld. Advocate for the OP has filed his W/O against the instant application and denied all the material allegations. The OP admitted the fact of marriage with the petitioner and the paternity of the minor child.

Ld Advocate for the OP has submitted that the petitioner always wanted to shift to a separate accommodation or make the OP a gharjamai at her paternal home. It is further stated that the petitioner and her family members used to quarrel with him and verbally abuse him. It is alleged that the petitioner is a permanent employee of the Serampore Municipality and that she never took care of her daughter. It is further stated that the petitioner has an illicit relationship with one Biju Bhowmik and that the wife of Biju Bhowmik had assaulted the petitioner over the said issue in the year 2014. It is stated that the petitioner and her family members had assaulted the OP who earns meagre amount of money. It is further stated that the petitioner had never respected the OP. It is further submitted that the petitioner earns Rs 12,000/- along with other incomes whereas the OP earns Rs 6000/- per month from India Jute Mill as a Driver and that he has two loans. It is also alleged that the petitioner does not let the OP to meet with his daughter. Accordingly, the OP has prayed for the dismissal of the instant application.

Perused the petition, w/o and other connected materials on record.

Considered.

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It appears that it has been admitted by the OP that the petitioner is his wife and he has also admitted the paternity of the child. It is mutually admitted that the parties are residing separately. However, whether the petitioner is residing separately with her daughter on her own volition or not can be decided after due trial including the other allegations brought upon by the OP. The OP has stated in his affidavit of assets that his monthly income is Rs.6000/- per month. The petitioner in her affidavit of assets has stated that her monthly income is Rs 5000/- and that she is residing in her parental home. The OP appears to be an able-bodied man of 47 years having qualification of 5th standard as per his affidavit of assets and liabilities. It is the primary duty of an able-bodied man to look after his minor child and prima facie in this case there is no reason for depriving the minor daughter of the parties from maintenance at this stage. After considering the affidavit of assets and liabilities and the socio-economic status and qualification of the OP, it is prima facie held that his monthly income should not be less than Rs.8,000/- to 10,000/-.

Accordingly, I am inclined to allow the instant petition but in part.

Hence it is

Ordered

That the petition filed by the petitioner U/S 125 of Cr.P.C. for interim maintenance is allowed in part on contest against the O.P. Petitioner is entitled to get interim maintenance of Rs.2500/- per month for her minor daughter from the date of the petition for interim maintenance. Thus, the O.P. is directed to pay Rs.2500/- per month in total to the petitioner for the interim maintenance of the petitioner's minor daughter from the date of filing the application i.e. 05/06/2024.

The arrears of maintenance shall be paid to the petitioner by the OP in 12 equal installments along with the current maintenance.

The first of such installments shall be paid on 10.08.2026. The arrears and current interim maintenance shall be paid by OP within first ten days of the month next to that in which the interim maintenance falls due.

The interim maintenance petition is thus disposed of on contest.

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

Fix **30.11.2026** for evidence (PW-1).

D & C by me,

JM/3rd Court/ Serampore.
JO Code:WB01406