

Misc Case No.41 of 2020

Order dated 09.03.2023 :

Today is fixed for passing order with regard to the petition praying for interim reliefs.

Both the parties are present by filing their respective hazira.

The brief fact of the instant petition is that the aggrieved person got married wife to the respondent No.1 on 03.03.2018 and after her marriage she was residing with the respondent No.1 and his family members at her matrimonial house. It is alleged that the respondents pressurized the aggrieved person for bringing more money from the parents of the aggrieved person and when when could not fulfill their demand, she was subjected to physical and mental torture by the respondents. The aggrieved person was denied proper medical treatment and other basic necessities. The respondents pressurized the aggrieved person for leaving from her matrimonial house and physically assaulted her on several occasions. On 28.08.2018 the respondents assaulted the aggrieved person brutally and when she narrated the incident to her father, her father came and rescued her took her to her paternal house. The aggrieved person lodged FIR before Sankrail P.S with regard to that incident on 19.09.2018. The aggrieved person is at present residing with her parents at her matrimonial house and she has no independent source of income. She is dependent upon her parents and on the other hand, the respondent No.1 is an able bodied person who has jewelery business and he earns Rs.1 lakh approximately per month. The aggrieved person has prayed for interim monetary relief including monetary relief.

The respondents have filed written objection and has denied the averment made by the aggrieved person in the instant petition. The respondents have admitted the marriage in between the aggrieved person and the respondent No.1 but they have denied inflicting any physical and mental torture upon the aggrieved person. It is alleged that the aggrieved person has falsely implicated the respondents in a criminal case. It is further claimed by the respondents that the respondent No.1 has no jewelery

business and has no fixed income rather the respondent No.1 is dependent upon his father who gives Rs.1,800/- as pocket money. On the other hand, the respondents have claimed that the aggrieved person earns Rs.2,600/- from private tuition.

Considered the facts and circumstances of the instant case. Perused the instant petition, written objection, all the other materials on record as well as the documents filed by the parties before the Court.

It is the admitted position of this case that the aggrieved person is the legally married wife of the respondent No.1. The aggrieved person has

claimed to be subjected to physical and mental torture by the respondents in demand of money. On scrutiny of the domestic incident report filed in connection with this case it is prima facie apparent that the aggrieved person was subjected to physical and mental torture amounting to domestic violence inflicted upon her by the respondents of this case. The aggrieved person also lodged GDE against the respondents in Sankrail P.S on 19.09.2018. Due to such domestic violence inflicted upon the aggrieved person, she was compelled to reside at her paternal house. The aggrieved person has filed affidavit of assets and liabilities before the Court and it is well apparent that she has no independent source of income. The aggrieved person has mentioned in her affidavit of assets and liabilities that the respondent No.1 is a gold smith by profession and earns Rs.1 lakh approximately per month. On the other hand, the respondent No.1 has filed affidavit of assets and liabilities and he has stated therein that he is unemployed and his monthly income around Rs.1,800/-. The respondent No.1 has also mentioned that his pocket money/allowance is Rs.600/- and has has a two wheeler of the value of Rs.40,000/-. It is not explained by the respondent No.1 that being an unemployed person as per his claim, in what manner he could afford to buy a two wheeler of the value of Rs.40,000/-. It is not explained by the respondent No.1 as to from which source he earns Rs.1,800/- per month being an unemployed person. There exists discrepancy as the respondent No.1 has mentioned in the written objection that his allowance is received from his father amounting to Rs.1,800/- whereas in the affidavit of assets and liabilities he has mentioned his allowance to be Rs.600/-. Therefore, it is well apparent that the respondent No.1 is clearly suppressing his actual source of income as well as his present income. The aggrieved person being subjected to domestic violence by the respondents and the aggrieved person being the legally married wife of the respondent No.1, the respondent No.1 is duty bound to provide monetary relief to the aggrieved person being an able bodied person. Considering all the aspects of this case the respondent No.1 is directed to make payment Rs.8,000/- in favour of the aggrieved person since the date of filing of this case. The aggrieved person is admittedly residing separately from the respondents and as such, no protection order is passed against them at present.

Hence, it is,

Ordered

That the instant petition praying for interim reliefs has filed by the aggrieved person is considered and allowed on contest.

The respondent no.1 is directed to make payment of Rs.8,000/- in favour of the aggrieved person since the date of filing of this case and he is further

directed to pay the maintenance by 10th day of each succeeding English calendar month.

Let a copy of this order be given to the aggrieved person free of cost.

The aggrieved person is admittedly residing separately from the respondents and as such, no protection order is passed against them at present.

Fix 29-06-2023 for evidence.

D/C

J. M. 4th Court

Howrah.

