

Misc. case No.298 of 2018 and Misc Case 221 of 2021

Order dated 13.10.2023

In Misc Case No.221/2021 the petitioner is present by filing hazira

No step by the O.P. None appears despite repeated calls till 12.45p.m.

It appears from the record that vide order dated 01.08.2023 the O.P was directed to file written objection and affidavit of assets and liabilities i.d exparte hearing.

As the O.P did not file written objection and affidavit of assets and liabilities.

The interim petition is taken up for exparte hearing.

Heard submission of the Ld. Advocate for the petitioner.

The brief fact of the petition is that the petitioner is the mother of the O.P and she is at present 66 years of age. It is alleged that the O.P has refused to perform his duties towards the petitioner and did not provide maintenance to the petitioner who is unable to maintain herself as she has no independent source of income. On the other hand, the O.P is working in a Transport Company and earns Rs.30,000/- per month. In spite of being an able bodied person the O.P has refused to maintain the petitioner who is an aged lady. The O.P did not file written objection and affidavit of assets and liabilities as per direction of this Court and as a result the petition is being heard exparte.

Considered the facts and circumstances of the instant case. Perused the instant petition, affidavit of assets and liabilities filed by the petitioner as well as all the other materials on record.

The petitioner is the aged mother of the O.P and she has no independent source of income. On the other hand, the O.P is working in a Transport Company and earns Rs.30,000/- per month. The O.P did not file written objection and did not controvert the statements made by the petitioner in the instant petition. Therefore, the O.P being an able bodied person and the son of the petitioner, he is duty bound to maintain the petitioner. The petitioner has filed affidavit of assets and liabilities and it is well apparent that she has no independent source of income. Considering all the aspects the O.P is directed to pay Rs.7,000/- per month as interim maintenance since the date of filing of this case.

Hence, it is,

Ordered

That the instant petition praying for interim Maintenance filed by the petitioner is considered is allowed exparte.

That the opposite party is directed to pay Rs.7,000/- per month as interim maintenance the date of the 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 petitioner free of cost.

To 05-02-2024 for exparte evidence.

D/C

Judicial Magistrate 4th Court, Howrah.

Later-

In Misc Case No.298/2018 the O.P is present by filing hazira.

No step by the petitioner till 12.45p.m.

The petitioner is directed to show cause.

Fix 05-02-2024 for exparte evidence in Misc Case No.221/21 and show cause by petitioner in Misc Case No.298/18.

D/C

Judicial Magistrate 4th Court, Howrah.