

Misc. Case- 132 of 2026

Order dated: 17.04.2026

Record is fixed today for S/R and appearance.

Petitioner files one petition for issuing summon through registered post along with one application for hearing of ad-interim maintenance application.

Perused the petition for issuing summon through registered post and considering the submission made by the Ld. Advocate for the petitioner, this Court is inclined to allow the instant petition.

Petitioner is directed to put in requisites in both ways i.e. through registered post as well as through Court.

Ld. Advocate for the petitioner prays for hearing of application for ad-interim maintenance under section 23 of D.V Act on the ground of medical emergency.

Heard.

The petitioner's case in brief is that petitioner open an account in a matrimonial website and from there the petitioner's parents found the opposite party and after perusing the details, the petitioner's mother contacted the opposite party and the opposite party replied with the details of the opposite party including his yearly income of Rs. 10,00,000/- per annum, monthly salary is Rs. 83,333/-. Thereafter, the parents of the petitioner and the opposite party agreed to give marriage between them and the said marriage occurred on 24.04.2023 and registered under the Special Marriage Act, 1954. At the time of marriage, the parents of the petitioner gave cash of Rs. 1,00,000/-, one gold ring, one gold gent's chain as dowry. At the time of marriage, the petitioner received gold ornaments and gold items as gift in both marriage and reception day and she also received several gift items and cash of Rs. 50,000/- as gift on the reception day and after reception, the petitioner handed over all her gold ornaments and other gift items including cash to the opposite parties. After few days of her marriage, the petitioner requested to opposite party no. 1 to give her back Rs. 50,000/- which she got as gift as she will purchase something. But the opposite party no. 1 told that he has spent those cash and gifts and nothing was left. Thereafter, the opposite parties demanded Rs. 1,00,000/- from the petitioner and when she asked the reason about the need then the opposite party did not give any explanation why he needs money. On the other hand, the opposite party started misbehaving with the petitioner which gradually increased to physical torture. The petitioner was highly upset and informed her parents about the demand of money by the opposite party and to save her conjugal life, the petitioner gave Rs. 1,00,000/- cash to the opposite party in different dates. The petitioner was subject to physical and mental tortured if she refused or protest for such illegal and unlawful demand. She further stated that the petitioner has been doing a job in private sector and earns Rs.20,000/- approximately per month. The petitioner also stated that her mother is under medication and substantial amount is being paid for her medicine apart from general expenses for maintaining the petitioner's father and mother and nothing left from her salary. The opposite party did not provide any basic needs like, food, clothes, medicine and other necessary requirements to the petitioner, while on the other hand, he himself leads his fanciful and luxurious life. In the month of May 2025, the petitioner got pregnant, the opposite party and his parents started shouting on the petitioner accusing her of not using protection and mental and physical torture was inflicted upon the petitioner during the pregnancy period by the opposite party and his family members and during the pregnancy,

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she had to leave the matrimonial home on 16.05.2025 and later on, she had to abort her pregnancy. On 29.09.2025, the petitioner met with the opposite party and requested him to resume the conjugal life in a separate accommodation/rented place but the opposite party denied to such proposal and then the petitioner also requested the opposite party to pay her monthly maintenance amounting to Rs. 30,000/- per month and 15000/- for rental accommodation in accordance with the standard of living of the opposite party but the opposite party neglected and refused to maintain the petitioner.

The petitioner further stated in her application that opposite party is earning Rs. 10,00,000/- per year.

Therefore, she prays for Rs. 20,000/- per month for herself as maintenance allowance and Rs. 10,000/- per month alternative accommodation from the date of filing of the petition.

Hd. the Ld Counsel for the Petitioner.

Ld. Advocate for the petitioner submitted that the petitioner has been suffering from different ailments and has to bear huge expenses for her own medical emergency and the parents of the petitioner are also dependent upon her for which the petitioner also has to spend huge money for the medical requirement of her parents and as such, the Ld. Advocate for the petitioner prays for allowing the interim maintenance allowance at this ad-interim stage due to medical emergency of the petitioner.

Perused the material on record.

Also perused the Affidavit of Assets and Liabilities filed by the petitioner.

Considered.

On considering the application under Section 23 of the D.V. Act for interim order of maintenance and submission of the Ld. Advocate for the petitioner as well as the documents submitted by the petitioner and also considering that the petitioner is an earning woman and is earning Rs. 21,851/- per month including Rs. 1000/- from the Laxmi Bhandar, this Court is not inclined to allow the instant application at this ad-interim stage without giving any opportunity to the opposite parties for making their submissions. Moreover, the Domestic Incident Report has not yet been received by this Court.

Hence, it is

ORDERED

that the ad-interim application under section 23 of PWDV Act is rejected at this stage.

Fix 22.06.2026 for S/R and A/D and appearance of the opposite parties and DIR.

The petitioner is directed to put in requisites.

D/C by me.

Sarmistha Bose, (JO Code WB01187)

J.M. 3rd Court, Howrah

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