

Misc. case No.455 of 2022

Order dated 06/11/2023

Today is fixed for passing order with regard to the petition praying for interim reliefs and the petition under Order 11 Rule 2 of C.P.C.

Both the parties are present by filing their respective haziras.

The petition regarding interim relief is taken up for passing order.

The brief fact of the petition is that the aggrieved person is the legally married wife of the respondent No.1, having their marriage solemnized on 25.02.2020. The rest of the respondents are her in-laws with whom she used to reside after her marriage at her matrimonial house. The respondents took away all her stridhan articles after she arrived at her matrimonial house. Soon after her marriage the respondents demanded more money and pressurized her for valuable articles including motor cycle. The respondents inflicted physical and mental torture upon the aggrieved person and physically assaulted her when she could not fulfilled their demand. On 24.06.2020 the respondent No.1 drove her out of her matrimonial house and took her to her paternal house. In spite of several attempts to mitigate the dispute, no fruitful result came out of the same. The aggrieved person is at present dependent upon her parents as she has no independent source of income. The aggrieved person had filed Misc Case 428/2022 against the respondent No.1 u/s 125 of Cr.PC. The respondent No.1 is a medical representative and earns Rs.75,000/- per month.

The respondents have filed written objection against the instant petition thereby denying the averments of the aggrieved person. The marriage is admitted by the respondents but they have denied inflicting any physical or mental torture upon the aggrieved person. It is averred by the respondents that the aggrieved person left her matrimonial house on 07.06.2020 at her own will and never returned to her matrimonial house. The aggrieved person also threatened the respondents and misbehaved with them after her marriage. It is also denied that respondent No.1 earns Rs.75,000/- per month. The respondents have prayed for rejection of the prayer of the aggrieved person.

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

It is the admitted position that the aggrieved person is the legally married wife of the respondent No.1 and after her marriage she was residing with the respondents in a shared household. The aggrieved person has claimed to have been subjected to domestic violence by the respondents who have denied the same. As per materials on record and after scrutiny of the DIR it is prima facie apparent before the Court that the aggrieved person was subjected to domestic violence by the respondents. At this state the Ld. Advocate for the respondents submitted that the DIR has been filled up by the aggrieved person herself and not by the Protection Officer and the same is not genuine and proper. However, the respondents never raised any objection regarding

DIR when it was filed before this Court i.e on 06.09.2022. No written objection or oral objection was preferred against the DIR challenging its genuineness. Both the parties have filed their affidavit of assets and liabilities. The respondent No.1 has mentioned in his affidavit of assets and liabilities that he is working as a business Manager and earns Rs.57,000/- per month. Both the parties have mentioned that in Misc Case No.428/2022 no order of maintenance has been passed till date. That being the position, the aggrieved person being the wife of the respondent No.1 and there being prima facie material regarding domestic violence upon the aggrieved person, the respondent No.1 is duty bound to provide interim relief to the aggrieved person. Considering the above discussion, the respondent No.1 is directed to pay of Rs.8,000/-per month to the aggrieved person since the date of filing of this case as interim maintenance. As the aggrieved person is residing separately, no protection order is passed at this stage.

Hence, it is

ORDERED

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

The respondent No.1 is directed to make payment of Rs.8,000/- to the aggrieved person since the date of filing of this case and he is further directed to pay the monthly monetary relief by 10th day of each succeeding English calendar month.

As the aggrieved person is residing separately, no protection order is passed at this stage.

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

To 08.05.2024 for evidence.

D/C

Judicial Magistrate 4th Court, Howrah.

Later-

The respondents have filed one application under Order 11 Rule 2 of C.P.C. It is the prayer of the respondents that the aggrieved person has filed false affidavit of assets and liabilities without disclosing her actual financial status and for that reason the respondents have prayed for granting a leave for delivery interrogatories upon the aggrieved person.

Considering the stage of this case and the fact that evidence has not yet commenced, the instant petition is premature and rejected at this stage.

D/C

Judicial Magistrate 4th Court, Howrah.