

Misc. case No.313 of 2022

Order dated 11/01/2024

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

Both the parties are present by hazira.

The instant petition is taken up for passing order.

The brief fact of the petition is that the petitioner got married to the O.P on 08.05.2021 and her marriage was registered on 22.06.2021. After her marriage she went to her matrimonial house and started residing with the O.P and his family members. At the time of marriage several valuable articles including gold ornaments and furniture were gifted to the O.P and his family members along with sum of Rs.5 lakhs. After her marriage she was subjected to physical and mental torture by the O.P and his family members. The O.P abused her in filthy language and humiliated her on several occasions. The O.P also assaulted the petitioner and his family members provoked him in doing so. The O.P earns Rs.60,000/- per month from his service but never paid anything to the petitioner for her maintenance. On 25.09.2021 the O.P demanded Rs.1,50,000/- and when she could not provide the same he threatened the petitioner and abused her in filthy language. On 03.04.2022 when the petitioner protested the O.P assaulted her and attempted to strangle her. Being compelled by such behaviour of the O.P the petitioner left her matrimonial house on 03.04.2022. She is residing at her paternal house and she has no independent source of income to maintain herself. On the other hand, the O.P earns Rs.60,000/- per month and the petitioner has prayed for monthly interim maintenance.

The O.P has filed written objection against the instant petition thereby denying the allegations leveled against him. The O.P has admitted the marriage with the petitioner but has denied inflicting any physical or mental torture upon the petitioner during her stay at her matrimonial house. It is alleged that the petitioner left her matrimonial house voluntarily and never came back. It is admitted by the O.P that he earns Rs.60,000/- approximately per month as salary. The O.P has prayed for rejection of the prayer of the petitioner.

Considered the facts and circumstances of the instant case. Perused the instant petition, written objection and all the other materials on record.

In this case it is admitted position that the petitioner is the legally married wife of the O.P and she was residing at her matrimonial house after her marriage. The petitioner has alleged to have been subjected to physical and mental torture by the O.P in demand of money whereas, the O.P has denied the same. Both the parties have filed their respective affidavit of assets and liabilities. As per scrutiny of the affidavit of assets and liabilities filed by the O.P it is well apparent that his monthly income has been mentioned to be Rs.65,376/- from his service. He has mentioned that his parents are dependent upon him. On the other hand, the petitioner has mentioned in her affidavit of assets and liabilities that she is residing at her paternal house and she is a student perusing B. Com Course. She has also mentioned that she has no independent source of income and is dependent upon her father for her maintenance and expenses all her

education. As the petitioner is the legally married wife of the O.P who is an able bodied person, he is duty bound to maintain the petitioner. Considering all the aspects, the O.P is directed to make payment of Rs.10,000/- per month as interim maintenance in favour of the petitioner since the date of filing of this case.

Hence, it is,

Ordered

That the instant petition filed by the petitioner praying for interim maintenance is considered and allowed on contest.

The opposite party is hereby directed to pay of Rs.10,000/- per month to the petitioner 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 petitioner free of cost.

To 05-04-2024 for evidence.

D/C

Judicial Magistrate 4th Court, Howrah.