

JO CODE NO. WB01108
Misc. Case No. & CIS NO. 432/2023
T.R.No. 45/2023

Date of Order : 06.08.2025

The present case is under section 12 read with sections 17/18/19/20/22/23 of the Protection of Women Domestic Violence Act, 2005 preferred by the aggrieved person Manisha Singh her husband Sourav Singh and others who is referred to as the respondent.

The gist of the aggrieved person's case that the aggrieved person is the legally married wife of the respondent no.1 and the marriage between the aggrieved person and the respondent no.1 was held on 17th May, 2019, as per Hindu rites and customs and the said marriage was registered on 25.05.2019 before the marriage registrar namely, Tapan Kumar Roy. The said marriage was negotiated. At the time of marriage, as per the demand of the respondents, the father of the aggrieved person gave cash of Rs.21,00,000/- (rupees twenty-one lac) only. All the cash, stridhan articles and gifts were taken in the safe custody of the respondents and till date the same is lying in their. As alleged by the aggrieved person, after a few months of marriage all the respondents and other in laws, started physical and mental torture upon the her on demand of further dowry. The respondents used to abuse the aggrieved person in most filthy language and also assaulted the aggrieved person mercilessly and even provoked her to commit suicide and having no other alternative and thinking about the peaceful life of the aggrieved person, her father tried his level best to fulfill the demand of the respondents as per his ability but even after that the aggrieved person was subjected to inhuman mental and physical torture by all the respondents. The aggrieved person was not allowed to talk with her parents over telephone or mix up with anyone of the local people in the area. The aggrieved person was never provided proper food and clothing. All the high hopes of the aggrieved person nipped in the bud in the hands of the respondents. Being physically and mentally tortured and extremely harassed, on 16.03.2022 the aggrieved person under compulsion lodged one general diary at Belur P.S vide Belur P.S GD entry no. 757, dated 16.03.2022. The aggrieved person was driven out from her matrimonial home on 14.08.2022 at about 2 pm. The father of the aggrieved person tried to resolve the issues but the respondents did not allow the father of the aggrieved person to enter the home and moreover abused him and threatened him with dire consequences and made him to leave. The aggrieved person then, lodged one complaint against the respondents being Belur P.S case no.182 of 2022 dated 16.08.2022 U/s 498A/323/406/354/354A/307/506/34 of the Indian Penal Code read with Section 3 and 4 of Dowry Prohibition Act and which is pending before the Ld. Chief Judicial Magistrate, Howrah. Accordingly the aggrieved person received back her stridhan articles by the help of police but the respondents have intentionally not handed over the jewelries. It is contended by the aggrieved person that, the respondent no.1 has a transport business namely, "Tilak Transport Corporation" having its office at 3rd floor of the building near Barabazar P.S and he earns more than Rs.10,00,000/- (Rupees ten lakhs) per month and besides this he has got his family business wherefrom he earns more than Rs.2,00,000/- (Rupees two lacs) per month, whereas the aggrieved person has got no income of her own to maintain herself and has prayed for Rs.1,00,000/- per month as interim maintenance for herself. Hence, this case.

The respondent after receiving the summons entered appearance on 18.10.2023 and thereafter filed his written objection and affidavit of assets and liabilities wherein he has denied all the allegations made against him. There are many allegations and counter allegations in the petition and the W.O, but this is not the right stage the respondent states that the aggrieved person voluntarily left her matrimonial home and the petitioner has her source of income is a professional makeup artist and is an Income tax payee having a proprietorship business under the name and style M.S. Enterprises bearing GST no. GSTIN/UIN:- 19DXEPS5247B1ZB at 147/1/A/3/1 Grish Ghosh Road, Belur Math, Howrah – 711202. As such he prays for rejection of the interim maintenance petition.

At the very outset it is pertinent to mention here that no Domestic Incident Report by the Protection Officer has been submitted in this case as prescribed under this Act.

From the above, there is no dispute regarding the factum of marriage between the respondent and the aggrieved person. From the photocopy of the documents submitted at hand by the aggrieved person, it appears that the aggrieved person has also filed in Misc Case no. 488/2023 u/s 125 CrPc and she has already been awarded interim maintenance amount of Rs. 2,000/- per month and the same is pending before the Ld. Judicial Magistrate, 6th Court, Howrah. Furthermore the aggrieved person has stated in her affidavit of assets and liabilities that her monthly expenditure is Rs. 50,000/- to 60,000/-, but she also has admitted that she does not have any source of income and her father with whom she is residing earns Rs. 40,000/- only. As such without trial it cannot be determined as to whether the aggrieved person is entitled to receive maintenance from the respondent or not.

Given as such, I do not find any urgency to grant the interim maintenance order.

Hence the same is rejected on contest.

Call for D.I.R at once from the District Protection Officer, Howrah.

Let a copy of this order be given to the petitioner free of cost and also send an extract copy to District Protection Officer, Howrah.

To 31.10.2025 for evidence.

Both parties to come ready.

Dictated & Corrected by me

**Judicial Magistrate
5th Court, Howrah.**

**Judicial Magistrate,
5th Court, Howrah.**

In view of the above facts and circumstances, there is no dispute regarding the factum of marriage between the aggrieved person and the respondent has not denied the same in his written objection. Since the present matter being u/s 12 of the PWDV act, 2005 so there is no strict proof required to prove all the claims made by the aggrieved person as in a criminal case .

There is no dispute regarding the factum of marriage and child. It is the case of the aggrieved person that the respondent/ husband has neglected to maintain the aggrieved person wife despite being an able bodied man . It is also a well settled law that a man having the capacity is morally and legally obligated to maintain his wife and minor child if he is an able bodied person. It is also apt to mention here that the respondent is willing to pay a monthly maintenance to his minor son. Concluding the above and keeping in view the object of the enactment of the Protection of Women from the Domestic Violence Act, 2005 the minor child is entitled to the relief prayed for by the aggrieved person in her application u/s.12 of the Protection of Women from the Domestic Violence Act, 2005 , but in part.

Although no chit of paper has come before this court regarding the income of the respondent or the aggrieved person but having said that the minor child cannot be devoid of interim maintenance at this stage and that is a matter of trial.

Hence, it is,

ORDERED

the application u/s.12 of the Protection of Women from Domestic Violence Act, 2005 praying for interim maintenance u/s. 23 of the D.V. Act is hereby allowed on contest but in part.

that the respondent/father is hereby directed to pay interim maintenance of Rs. 2500/- each per month to his minor son within 10th of each succeeding calendar month. The order is to be effected from the date of filing.

A copy of the order be given to the aggrieved person at free of cost.

To _____ for evidence.

Dictated & Corrected by me

**Judicial Magistrate
5th Court, Howrah.**

**Judicial Magistrate,
5th Court, Howrah.**

