

MISC CASE NO- 660 of 2023

Order dated 13.04.2026

Today is fixed for ex parte order under section 12 read with Section 18/19/20/22/23 of P.W.D.V Act, 2005.

Petitioner files hazira.

The record is taken up for passing order.

Perused the petition and other connected documents.

The case of the aggrieved person is that on 23/01/2019 the petitioner no.1 was married with the opposite party no.1 as per Muslim rites and customs and this marriage was a negotiable marriage. After the marriage, the petitioner reached at her matrimonial home and the Petitioner no.1 lived with her husband and mother-in-law at her matrimonial house. After five months of marriage, when she was pregnant, her husband abused her with filthy languages on the instigation of her mother-in-law for non fulfilling the demand of bed and cots. The bed and cots was sent by family of petitioner no.1 and the situation was good for sometime. On 31/12/2019 the petitioner gave birth a daughter, at Medical College & Hospital, Kolkata, namely Kaynat Khatun. After giving birth of a daughter, the opposite parties started tortured both physically and mentally for more demand of money of Rs. 20,000 (Twenty thousand). On 10/01/2021 the accused told the petitioner to go your parental house and bring money otherwise he will kill her and her daughter. When petitioner no.1 protested the said act, the accused no.1 indiscriminately slapped and fisted on her. The petitioner no.1 became senseless. After knowing the incident, the elder brother of petitioner no.1 took her to parental house. On 11/01/2021 the petitioner no.1 was treated at Disha Eye Hospital and doctors of the said hospital said that her left eye's condition was very bad. A salishi was made by the club & councilor of accused persons and was sent to petitioner's matrimonial house. After some days, the torture was started again and the mother-in-law of the petitioner no.1 even did not give food to the petitioner and her daughter. On 28/12/2021, the opposite party no.1(husband) on the instigation of opposite party no.2(mother-in-law) beat the petitioner with bamboo stick and also kicked, slapped, blowed and chocked her with the intention of killing her due to demand of more money. The petitioner no.1 became senseless and she was treated at S.S.K.M (P.G) Hospital, Kolkata. Doctors of the said Hospital said that the right side of the petitioner's face became paralyzed and eye was injured. After many days, the petitioner no.1 could talk properly and went back to her matrimonial house for the future of her daughter. The treatment of the petitioner no.1 is still going in the S.S.K.M (P.G) Hospital. Lastly on 15/05/2023 the petitioner no.1 and her minor daughter were drove away from her matrimonial home. The Opposite Party No.1/husband is an able body human person and he has sufficient source of income. The Opposite Party No.1/husband has failed to pay any

maintenance to the present petitioner/wife and her minor daughter. On the other hand, the Petitioner has no source of income. The Opposite Party No.1 though has the capacity to maintain his wife, he never took any news of the Petitioner no.1 and her baby since she was driven out from the matrimonial house. The Petitioner No.1/aggrieved person suffered physically, mentally and emotionally as she was subjected to prolonged domestic violence under the hands of opposite parties.

Thereafter the Petitioner no. 1 / aggrieved person lodged a complaint at Uluberia Women P.S and Uluberia Women P.S started a case being no- 46/23 dated 16/07/2023, U/s - 498A/406/34 IPC against the Opposite Parties.

The Opposite Party No.1/husband is a successful business man and runs a saree business (Zori Ostagar). He nearly earns Rs. 40,000/- (Forty Thousand) per month from that business and other source of income. The Respondent No. 1 has landed property. He is moneyed man and still he does not maintain the Petitioner and her baby.

The Petitioner no.1 has no source of income and at present she is residing at her father's house at Unsani, P.S - Jagacha, Dist- Howrah, where she has a dearth of accommodation and she needs alternative accommodation due to residential purpose and the Petitioner needs immediate relief for maintenance for herself and her minor daughter.

Hence the petitioner prayed for following reliefs u/S 12 read with Section 18/19/20/22/23 , Protection of women from Domestic Violence Act 2005:

i. Protection order under Section 18 of The Protection of Women from Domestic Violence Act, prohibiting the opposite parties from committing or abiding or abetting in the commission of the any act of Domestic Violence.

ii. Residence Order under Section 19 of the said Act directing the Respondent No. 1 to provide alternate accommodation for the aggrieved person near the house of aggrieved person's father or to pay monthly rate of Rs. 4,000/- (Four Thousand) only for taking rental accommodation for the aggrieved person.

iii Monetary Relief under Section 20 of the said Act directing the Respondent No. 1 to pay monthly maintenance @ Rs. 10,000/- (Ten Thousand) only per month for aggrieved person / Petitioner and Rs. 8,000/- (Eight Thousand) for her minor daughter per month.

iv. Direction may be given to the Respondent to return back all dowry property in default Rs. 3,00,000/- (Three Lac) only may be given as damage.

v. Compensation under Section 22 of the said Act not directing the Respondents to pay Rs. 2,00,000/- (Two Lac) only for committing Domestic Violence on the aggrieved person.

vi. Interim Order under Section 23 of the said Act, directing the Respondent No. 1 to pay monthly interim maintenance @ Rs. 8,000/- (Eight Thousand) only per month for aggrieved person/Petitioner and Rs. 6,000/- (Three Thousand) for her minor son.

vii .Direction may be given to local Police Station and the District Protection Officer to implement the order or orders may deems fit and proper.

OP appeared in this case on 24.09.2024 but subsequently the OP failed to take steps from 28.04.2025 and so this case is running ex parte against him since 07.08.2025.

Evidence Adduced.

In support of her petition, the petitioner namely Tasina Begum has been examined as PW-1 and no other witness has been adduced by the petitioner on her behalf.

Decision with reason

Before proceeding further it is pertinent to mention that the OP / respondent in this case did contest the case to defend himself. So the court can safely conclude that, in the absence of any contradictory evidence that the petitioner is his legally married wife of OP and they have one minor girl child.

The OP in the present case in spite of having opportunity did not contest the case to defend himself resulting which the claims of the petitioner remained unchallenged and unconverted by OP.

At this juncture court shall place reliance on the unchallenged and uncontroverted evidence of petitioner.

Now, where the marriage of the petitioner with the OP is proved to be admitted and the petitioner has been residing at her paternal house with her minor daughter and where no documents are on record to show that the petitioner has personal income, then the OP being an able bodied person and as per the mandate of section u/S 12 read with Section 18/19/20/22/23 of PWDV Act,2005 he is duty bound to maintain the petitioner and their child.

Now what should be the quantum of maintenance to be allowed to the petitioner. As u/S 12 read with Section 18/19/20/22/23 of PWDV Act is a beneficial piece of legislation and enacted to secure and protect the right of the minor, woman and aged parents so the quantum of maintenance should be considered in the light of

the present stage and socio economic condition of the society so that they did not face any hardship to live their life. At the same time the court has also kept in mind the hardship of the OP while allowing maintenance allowances neither should it be luxurious nor should it be penurious but it should be in consonance with the lifetime with her husband.

Considering the circumstances of this case, this Court is of the opinion that Rs.4,000/- (rupees four thousand) per month for the petitioner and Rs.4000/- (rupees four thousand) per month for her minor daughter {Rs. 8000/- rupees eight thousand per month in total} would be sufficient for herself and her minor son, so it would not cause any hardship upon O.P.

Hence, it is,

Ordered

That the present case under section 12 read with Section 18/19/20/22/23 of PWDV Act, 2005 praying for maintenance is hereby allowed on ex parte.

The opposite party No. 1 / respondent No. 1 is hereby directed to pay **Rs.4,000/- (rupees four thousand) per month** for the petitioner and **Rs.4000/- (rupees four thousand) per month** for her minor daughter **{Rs. 8000/- rupees eight thousand per month in total}** to the petitioner **from the date of the filing of the case and he is further directed to pay the maintenance by 10th day of each succeeding English calendar month.**

The respondents are directed to pay a compensation of Rs. 50,000/- (Rupees Fifty Thousand only) to the petitioner/ aggrieved person for causing emotional distress and mental agony within 60 days of passing of this order i/d the petitioner is at liberty to take recourse of law. They are also directed not to disturb the peaceful of living of the aggrieved person in any manner whatsoever.

That the petition is hereby disposed of.

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

Note in TR.

BC-II to take note.

Dictated and correct by me

Judicial Magistrate,
4th Court, Howrah

(Keya Sarkar)
(JO Code WB01123)
Judicial Magistrate,
4th Court, Howrah