

Misc. case 520 of 2019

Order dated 07/06/2022

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

Both the parties are present by filing their respective haziras.

Heard the submissions of the Ld. Advocates for both the parties.

The record is taken up for passing order.

The brief fact of the petition is that the aggrieved person and the respondent No.1 were legally married on 23.11.2017. After her marriage she started residing at her matrimonial house with the respondent No.1 and out of the wedlock one female child was born on 12.09.2018. Soon after marriage she was subjected to physical and mental torture by the respondents and started demanding more dowry. On 07.03.2019 the respondent No.1 assaulted the aggrieved person and drove her along with her daughter out of her matrimonial house. The aggrieved person took shelter in her parents house along with her minor daughter. Respondent No.1 has a business of clothing and earns Rs.60,000/- per month whereas the aggrieved person has no independent source of income and depended upon her father for her maintenance. The aggrieved person has prayed for monthly monetary allowance from the respondent No.1 for herself and her minor daughter.

The respondents has filed written objection against the instant petition denying the material allegations. The respondents have further stated that the petitioner left her matrimonial house without any just and proper reason. The respondents have denied inflicting any physical and mental torture upon the aggrieved person. It is contended that the respondent No.1 earns Rs.5,000/- per month and his mother is depending upon him. On the other hand, it is claimed that the aggrieved person earns Rs.30,000/- from her service and she has sufficient means to maintain herself and therefore she is not entitled to any monetary allowance.

Considered the facts and circumstances of the instant case. Perused the petition, written objection and all the materials on record. The respondent No.1 has not denied the marriage and the minor daughter begotten out of their wedlock between himself and the aggrieved person. From scrutiny of the DIR it is well apparent that the aggrieved person was subjected to domestic violence by the respondents in the affidavit of assets and liabilities. The respondent No.1 has mentioned that he earns Rs.6,000/- per month as a daily labour in a garment shop. The aggrieved person has mentioned in the affidavit of assets and liabilities that she has no independent source of income of her own.

After considering all the aspects and prevailing circumstances this Court is of the opinion that the respondent No.1 should pay monthly monetary allowance to the aggrieved person for her maintenance and the maintenance of her daughter. As the aggrieved person is residing separately from the respondents, no protection order is at present required. Considering the prevailing circumstances the respondent No.1 is directed to make payment of Rs.5,000/- per month as monthly monetary allowance to the aggrieved person and her minor daughter.

Hence, it is,

Ordered

That the respondent no.1 is hereby directed to pay the aggrieved person monthly monetary allowance of Rs.5,000/- for herself and her minor daughter from the date of the filing the of the case and he is further directed to pay the maintenance by 10th day of each succeeding English calendar month.

No substantial order is passed against the other respondents at this stage.

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

To 20-09-2022 for evidence.

D/C

Judicial Magistrate 4th Court, Howrah.