

JO CODE NO. WB01108
Misc. Case No. & CIS NO. 922/2022
T.R.No. 95/22

Date of Order : 14.10.2025

The present case is under section 12 read with sections 17/18/19(a)(c)(d)/19(2)/20/20(b)/22 & 23 of the Protection of Women Domestic Violence Act, 2005 preferred by the aggrieved person Dipali Jana against her sons, daughter-in-laws and their in-laws who are referred to as the respondents.

The gist of the aggrieved person's case that the petitioner is a widow lady and her husband Milon Jana died in the year of 2020 leaving behind the petitioner, two sons Sudip Jana and Sandip Jana. As contended by the petitioner, Sudip Jana is an electrician and has business of 'Generator' in the locality earns Rs.15,000/- per month and her other son, Sandip Jana works is renowned jewelry worker from Bombay earns of Rs.25,000/- per month. It is stated that, the deceased husband of petitioner had a 'televaja shop' at Fatikgachi bus stop and by this earning he rear up his family members and beside this said 'televaja shop' there are other three shops of other three brothers of Milan Jana and all the shop room are brick built tiles shed shop rooms. The petitioner lives in a brick built tiled shade room at Fatikgachi, Kalitala and her two sons live in other two rooms, and the other rooms are occupied by O.P no.4 to 7 in the same premises since long and the residential rooms are behind the shop rooms. After, the death of Milan Jana this petitioner used to run the said 'televaja shop' with the help of one local boy namely, Nikhil Bera but the OP's became envious and started to defame the petitioner by alleging the petitioner of having an illicit relationship with said Nikhil Bera and so the said 'televaja shop' was closed from the 1st week of June 2022, thereafter the petitioner is passing her days in poverty as she has no earnings and the OP members do not maintain her and they all simple matter pick up quarrel to oust the petitioner from her room. The petitioner requested her sons to pay of Rs.6000/- each per month but they refused to pay maintenance. On 27.09.2021 all the O.Ps assaulted the petitioner and abused her in filthy languages for falsely alleging her of having relationship with Nikhil Bera with the intention to take possession of the closed shop rooms of petitioner and residential room. The petitioner did not take police action but the provocation and ill behavior increased day by day and on 17.10.2022 all the O.Ps ousted the petitioner from her room forcefully and illegally put the same under lock and key and the petitioner was compelled to lodge GDE no.739 dated 17.10.2022 before J.B Pur P.S against the O.P members. The petitioner has prayed for interim maintenance of Rs. 6000/- each from the OP nos 1 and 2. Hence this case.

The O.P members after receiving the summons entered appearance and thereafter filed their written objection and OP nos 1 and 2 have filed their affidavit of assets and liabilities. The O.P members have denied all the allegations made against them. There are many allegations and counter allegations in the petition and the W.O, but this is not the right stage to enter into the merits and demerits of the case. It is stated by the OP members that OP no.1, Sudip Jana has no generator business, he used to work under contractor as electrician. He earns Rs.8000/- to Rs.9000/- per month, when job is available. OP no.2 Sandip Jana is a Zori worker at Bombay. He earns Rs.300/- per working day.

It is pertinent to mention here that the Domestic Incident Report has not been submitted by the Protection Officer.

From the above, there is no doubt that there is a dispute in between the parties with regard to the property too. At this early stage I do not find any prima facie case that the petitioner is being subjected to domestic violence. Given as such, I do not find any urgency to grant the interim maintenance order.

Hence the same is rejected on contest.

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

To 22.01.2026 for evidence.

Parties to come ready.

Dictated & Corrected by me

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

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