

Misc Case No.735 of 2019

Order dated 17.11.2023 :

Today is fixed for exparte hearing of the petition praying for interim reliefs.

Aggrieved person is present by filing hazira.

Heard submission of the Ld. Advocate for the aggrieved person.

The brief fact of the case is that the aggrieved person got married to the respondent No.1 on 06.12.2002 and at the time of her marriage several valuable articles including cash of Rs.2 lakhs were given as gifts to the respondent No.1 and his family. After her marriage she went to the house of her grand father and started residing with the respondent No.1 as he had no personal accommodation. On 21.08.2004 one female child was born out of the wedlock. Subsequently, the aggrieved person shifted to another accommodation with the respondent No.1 and started residing therein. The rest of the respondents started instigating the respondent No.1 and the respondents inflicted physical and mental torture upon the aggrieved person. She was physically assaulted by the respondent No.1 on several occasions. The respondent No.1 never bore any expenses for the education of the daughter of the aggrieved person. On 01.05.2015 the aggrieved person lodged FIR at M.P. Ghora P.S. The daughter of the aggrieved person is residing with her at 80 Bairab Ghatak under P.S M.P. Ghora. On 01.09.2019 the respondent No.1 and the other respondents arrived at her residence and drove her out of her house. She lodged FIR before Women P.S, Howrah. The aggrieved person has no independent source of income and the respondent No.1 is employed in a multinational company and earns Rs.45,000/- per month. The respondent No.1 also earns Rs.25,000/- per month as a private tutor. The aggrieved person has prayed for interim reliefs against the respondents.

In this case the respondents did not appear in spite of proper service of summons and the case proceeded exparte against them on and from 04.04.2023.

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 the respondents did not appear to contest the claim of the aggrieved person in spite of service of summons. The aggrieved person has alleged to have been subjected to domestic violence by the respondents and she has also averred that she has no independent source of income and her daughter is residing with her. The uncontroverted statements of the aggrieved person is supported by affidavit and this Court has not found any

reason to disbelieve the same. The aggrieved person has also filed affidavit of assets and liabilities and it is well apparent that she has no independent source of income and her daughter aged about 17 years is residing with her and she has to bear the expenses for education of her daughter. Therefore, considering all the aspects of this case the respondent No.1 is directed to make payment of Rs.5,000/- per month for the aggrieved person and Rs.4,000/- for her daughter i.e. sum total of Rs.9,000/- per month as interim monetary relief since the date of filing of this case.

Hence, it is,

Ordered

That the instant petition praying for monetary relief has filed by the aggrieved person is considered and allowed exparte.

The respondent no.1 is directed to make payment of Rs.5,000/- per month for the aggrieved person and Rs.4,000/- for her daughter i.e. sum total of Rs.9,000/- per month as interim monetary relief 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 aggrieved person free of cost.

Fix 13.05.2024 for exparte evidence.

D/C

J. M. 4th Court
Howrah.

