

IN THE COURT OF LD. JUDICIAL MAGISTRATE, AMTA

Present : Smt. PRATIKA RAI
JO Code – WB1481

Misc Case No.- 06/2023(06/23)

Petitioner

Murshida Khatun

VS.

Respondents

- 1. Sk. Momin Ali**
- 2. Manoyara Begum**
- 3. Rubina Begum**
- 4. Sk. Jamirul**

Interim Maintenance Order u/s 23 of PWDV Act dated 09.01.2026

Today is fixed for interim maintenance order.

Petitioner is present through the Ld. Advocate.

Interim hearing was heard in full of both sides.

Perused the materials on record and petition of interim maintenance, written statement filed by respondents against the interim maintenance petition u/s 23 of PWDV Act alongwith their respective affidavit of assets.

Now petition for interim maintenance is taken up for disposal on consent of both sides. The petition has been filed for passing an order claiming for interim relief by Petitioner for interim maintenance allowance at the rate of Rs.8,000/- per month for herself. Petitioner also sought for other reliefs u/s 17, 18, 19, 20 and 22 of the PWDV Act.

From perusal of the petition for interim maintenance and the written objection filed by respondents, it appears that the marital relation has been admitted by both parties, therefore, it requires no further deliberation. Other alleged facts have been vehemently refuted by the respondents mentioned in the petition u/s 23 of the Act by the Petitioner.

Both the parties have made several allegations and counter allegations in their submitted petitions, but at the outset, it is not a right stage to enter into the merit and demerit of the case. At this stage, the primary issue is whether the petitioner has any source of income to maintain herself or not and whether the respondent no. 1 has sufficient income to provide maintenance or not. There is no prima facie document regarding income of the petitioner. So at the initial stage, it can be presumed that the Petitioner is in need of some financial assistance to maintain herself. Petitioner stated that Respondent no.1 is an able-bodied person and also a skilled driver and earns Rs.15,000/- to Rs.18,000/- per month on the other hand Petitioner is unskilled helpless woman and totally depended on her father. Petitioner demanded Rs.8,000/- per month for herself as interim maintenance. Whereas, Respondent no.1 submitted that he earns Rs.300/- per day and monthly Rs.6,000/- to Rs.7,000/- by carrying bricks and sand on auto.

This Court is adjudicating the matter in initial stage based upon the documents submitted by both parties and declaration made in their affidavit of income, assets and expenditure.

Furthermore, section 2(a) of the PWDV Act, 2005 defines “aggrieved person” as any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent and section 2(f) of the Act

defines “domestic relationship” means a relationship between two persons who live or have, at any point of time, lived together in a shared household, when they are related by consanguinity, marriage, or through a relationship in the nature of marriage, adoption or are family members living together as a joint family. From the above aspects, it is clear that Petitioner is an aggrieved person and also shared a domestic relationship with the respondents as no submission was made by the respondents, during the hearing, to prove the contrary.

After careful consideration of all aspects, I am of the opinion that the contentions stated in the instant petition prima facie discloses act of domestic violence as defined u/s 3 of the Act, upon the Petitioner by the Respondents.

It also prima facie appears that the Petitioner has no source of income and she has been denied maintenance by Respondent no.1. It also prima facie emanates that the Respondent no.1 is an able bodied person with capacity to earn and is able to maintain the Petitioner.

Hence, it is,

ORDERED

that the petition u/s 23 of the Protection of Women from Domestic Violence Act, 2005 is allowed on contest against the Respondents.

The Respondents are also restrained from committing/aiding/abetting any act of domestic violence upon the Petitioner, or entering place the place of Petitioner or any other place frequented by the Petitioner, or attempting to communicate in any form with the Petitioner including, personal, oral or electronic or telegraphic contact, causing violence to the dependents or relatives of the Petitioner, or any such act which amounts to domestic violence.

OR

Respondent no.1 is directed to secure a separate accommodation for the Petitioner, of same level as enjoyed by her in shared household and to pay rent for the same, if Petitioner desires to live separately.

Respondent no.1, is further directed to pay monthly interim maintenance allowance to the Petitioner in the tune of Rs. 3,000/- per month for herself within the 10th day of every English calendar month which shall be from the date of filling of main application. This order shall take effect from the date of passing of this order.

Other reliefs are rejected at the initial stage.

Let, a copy of this order be sent to the O/C Joypur PS, Howrah and O/C Pachla PS, Howrah at once to monitor the compliance thereof by the Respondents.

Let, another copy of the order be sent to the Protection Officer for information.

Let, a copy of this order be supplied to the Petitioner free of cost for execution of this order.

To 10.02.2026 for payment and 03.04.2026 for evidence.

D & C by me.

Sd./-
Judicial Magistrate, 1st Class,
Amta, Howrah.

Sd./-
Judicial Magistrate, 1st Class,
Amta, Howrah.