

IN THE COURT OF Ld. JUDICIAL MAGISTRATE, AMTA

Present - Smt.Pratika Rai

JO Code - WB1481

MISC.CASE No.- 71/2023

CIS No- WBHW08 000720 2023

Petitioner

Respondents

Pratima Santra

vs.

**1. Ganesh Chandra Santra,
2. Daliya Santra @ Daliya Bodhak,
3. Kartik Santra,
4. Partha Santra,
5. Madhumita Patra &
6. Sanat Patra.**

Ex-parte Interim Maintenance Order u/s 23 of PWDV Act dated 02.09.2025

Today is fixed for ex-parte interim maintenance order.

Petitioner is present by filing hazira.

Interim hearing was heard ex-parte.

Petitioner's contention in the petition for interim relief is that she is the legally married wife of the Respondent no.1 Ganesh Chandra Santra, respondent no.2 is second wife of respondent no.1 and rest are her in-laws. Petitioner's marriage was solemnized on 23rd Jaistha, 1388 BC as per Hindu rites and customs. At the time of marriage, Petitioner's father at the demand of the respondents gave various items and other household articles. After marriage, Petitioner was taken to her matrimonial house at Sehagori, PS – Joypur, Dist. – Howrah along with all articles given at the time of marriage, and the marriage was duly consummated. After some days of marriage, Petitioner was mentally tortured by the respondents to bring further dowry and also deprived her of proper food and necessities. Respondent no.1 used to physically assault her and used to despise the Petitioner taunting her over her looks and skin color. When matter was informed to local Panchayat then the Panchayat tried to settle the matter but to no avail. Petitioner's family pleaded the respondents to have mercy upon Petitioner but they continued torturing her for more dowry. Petitioner's father tried to fulfill some of their demand but it was not sufficient and ultimately, on 21.04.1991, respondents ousted Petitioner from her matrimonial house in a single wearing apparel withholding all her stridhan articles including gold ornaments. Respondent no.1 got remarried to respondent no.2 even though marriage was subsisting between Petitioner and respondent no.1. Since that day till now, Petitioner took refuge at her paternal house and is living there and respondent neither tried to get any information about Petitioner nor gave her any maintenance. Petitioner is a simple village lady, unskilled lady and has no source of income, whereas, on the other hand, respondent no.1 has two-storied pucca full-furnished mosaic tiled house in which he resides with respondent no.2 as husband and wife and does seasonal vegetable business from which he earns Rs.20,000/- to 25,000/- per month. Apart from this, respondent no.1 runs a business for selling kerosene oil from where he earns Rs.12,000/- to Rs.14,000/- per month and also owns 14 bigha of agricultural land, two hand-tractors, two paddy threshing machine, one pump, two ponds, gardens of bamboo and coconut from where he earns Rs.20,000/- to Rs.25,000/- per months. Respondent no.1 is an able bodied person and apart from respondent no.2 has no other dependents. Petitioner prayed for Rs. 25,000/- per month for herself as interim maintenance. Petitioner also sought for other reliefs 17,18, 19,20,22 of the Act.

**Judicial Magistrate
Amta, Howrah**

Respondents appeared in this case and filed a petition challenging non-maintainability of petition u/s 12 of PWDV Act of the Petitioner but the same was rejected by Ld. Court after careful consideration. Respondents were given sufficient opportunity to contest their case but they were reluctant to and the matter was fixed ex-parte.

This Court is adjudicating the matter in initial stage based upon the documents and declaration made by the Petitioner in her sworn affidavit as well as declaration made in her affidavit assets, income, and expenditure.

After careful consideration of all aspects made by the Petitioner in her sworn affidavit, I am of the opinion that the contentions stated in the instant petition prima facie discloses act of domestic violence 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 ex-parte against the Respondents.

The Respondents are restrained from causing obstruction in any manner for entry of the Petitioner in the shared household or from disallowing her for residing in the shared household, if the Petitioner intends to.

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.

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.

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 commencing from the date of the filing of the main petition. This order shall take effect from the date of passing of the order. Other reliefs are rejected at the initial stage.

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

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

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

To 20.11.2025 for evidence.

D & C by me.

**Judicial Magistrate, 1st Class,
Amta, Howrah.**

**Judicial Magistrate, 1st Class,
Amta, Howrah.**

**Judicial Magistrate
Amta, Howrah**