

MC - 68/2025
CNR NO. : WBHW120014072025
(Present : Sri A Bose)
J.O. Code : WBJ01491

Order dated : 18.05.2026

Today is fixed for passing interim order.

Both the Ld. advocates are present. Now the case record taken for passing order of interim maintenance petition. On the last occasion a full fledged hearing be done. Ld. advocate for the petitioner made her stress on point that both the petitioners are the aged parents of OP and petitioner no 2 is a cancer patient and OP no 1 and OP no 2 are their first and second child and they raised the children in great difficulties. It is further alleged that OP no 1 being a painting contractor is earning Rs 40,000/- per month. On the other hand, OP no 2 is earning Rs 15,000/- by doing labour work and their younger son is earning Rs 12,000/- per month. It is further alleged that both the OP's are living their life in luxury condition but they did not take care of their parents and did not perform any duties towards them. Further, OP's are threatening to the petitioner to transfer the property in their name.

Further, the petitioner claimed Rs 5,000/- for himself and Rs 8,000/- for petitioner no 2 for living life and medical cost as interim maintenance. The petitioner claimed that he has no income to maintain themselves.

The OP further appeared and by his written objection denied all the allegations as made by the petitioner in his application. Further, the OP has stated that they used to reside in a single house and there was no dispute and the petitioner no 1 is earning well and has pension of Rs 10,000/- per month. Further, he has bank account in his name and petitioner no 2 is getting Govt Welfare Scheme. Further, both the OP's denied the income as alleged by petitioner. It is further alleged that the petitioners by the influence of their younger brother has filed the false case against them. It is further alleged that petitioner no 1 also bought a plot of land in Kulgachia and constructed a house. Further, the OP prayed to dismiss the interim application as made by petitioner.

But perusing the document on record, it is hereby affirmed that both the parties are related to the parents and son are not questionable by OP at this stage. Having heard petitioner at length and after perusal the materials on record, it appears to me that the interim maintenance application is allowable pending disposal of the case for the following reasons:-

1. It is admitted that both parties are sons and parents.
2. The petitioner is not maintained by the OP and OP also used to torture them and did not feed them properly.
3. The petitioner has no income of own as nothing supportive came and the OP did not adduce any evidence regarding the monthly pension scheme or bank account of OP.
4. The O.P. is not maintaining the petitioner.
5. The very purpose and scope of the legislative intention u/s 125 Cr.P.C is to provide the maintenance (either interim or permanent) to avoid the destitution and vagrancy of the petitioner and during pendency the litigation costs or day to day cost of the case also permissible and comes under the ambit of this section.
7. Pending disposal of the case and any other involved issues. This court has jurisdiction to grant interim maintenance allowance until disposal of the case.
8. O.P.has not turned up before this court after providing several chances to him and thus the version of the petitioner is taken as whole.
9. Parentage is admitted prima facie as the OP did not appear for contest the same.
10. The interim maintenance petition is duly supported with an affidavit sworn by the petitioner.
11. Upon considering the case on record this court at this stage has not found any exact document regarding the income of the OP from their business apart from the affidavit filed by the petitioner

it is found that OP's has monthly income of Rs 40,000/- and Rs 15,000/- per month. Further it is also bounden duty of the OP to maintain his parents in no matter what if his parents has any other son or daughter and this case the relation between son and parents was never denied.

Hence it is ordered that the application for interim maintenance by the petitioner is allowed on contest and finally disposed off.

The O.P. no 1 shall pay @ Rs 2,000/- p.m. to the petitioner no 1 and 2 and OP no 2 shall pay @ Rs. 1,000/- to the petitioner no 1 and 2 total Rs 3,000/- per month as interim maintenance allowance according to the English calender by the 10th of each succeeding month till the disposal of this case in default of which petitioner would be at liberty to take recourse to law.

This order would have an effect from the date of filing of the petition of interim maintenance.

OP is also directed to pay the arrear interim maintenance allowances which becomes due to the petitioner by dint of this order, to the petitioner within a span of six (06) months in six (06) equal installments from this date.

Let a copy of the order of interim maintenance be given to the petitioner, free of cost, as per the provision of Section 128 of the code.

Fix 19.08.2026 for evidence.

Both sides to come prepare.

D/C by me

J.M.1st Court Uluberia

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