

In the Court of Judicial Magistrate, 1st Court, Uluberia

Present: Akash Bose

MC - 44/2025

TR- 214/2025

CNR No- WBHW120008402025

Exparte Interim Order Dated 30.07.2026

Today is fixed for exparte interim order u/s. 23 of PWDV Act.

Aggrieved person is present by filing hazira.

Affidavit of assets and liabilities is filed on behalf of the aggrieved.

Hd. Ld Advocate for the aggrieved person and respondents.

Considered.

This is an application under section 23(2) of the Protection of Women from Domestic Violence Act. It is a beneficial legislation and percolation of its relives is the motto. Speedy disposal of the application is also the object of this Act.

Prima facie, the application of the aggrieved person in the form of Affidavit which discloses the Act of Domestic Violence committed upon the aggrieved person.

This is an interim stage and it is needless to say that at this moment this Court has no other alternative but to rely upon contentions of the aggrieved lady supported by Affidavit and the documents filed by her, as it comes now in the hands of this Court.

The aggrieved person got married with OP on 17.08.2013 and at the time of marriage, as per demand of OP, the father of the petitioner was compelled to provide steel almirah, steel khat, one pair of earring, pitol utensils, gas oven, Videocon TV and other marriage articles. After marriage, the petitioner was subjected to physical and mental assault by OP. Further, the petitioner received injuries in her various body parts. During wedlock, one male child was born. It is alleged that on 26.12.2023, all the OP physically assaulted her and snatched all the belongings of her and driven her out of her matrimonial house. Being aggrieved she came back to her father's house with minor child. The petitioner lodged a complaint before Uluberia PS vide PS case no – 02 of 2024, dated 07.01.2024 U/s 498A/34 of IPC and also a case being no – 24 of 2025, dated 02.01.2025, U/s 406/34 of IPC was started by concerned PS against all the OP. It is alleged that the OP is a permanent service holder in Welcast India Pvt Ltd and has landed properties and is earning Rs 30,000/- per month and has not given a single maintenance to his wife and child.

In this circumstances, the petitioner no 1 has prayed for Rs.10,000/- for interim maintenance.

D/I/R report received and perused the same.

The respondent has received the summon and appeared dated 28.07.2025 but after appearing before this court did not file any written objection and affidavit despite of giving several chances. Further, vide order dated 06.05.2026, all the Ops proceeded as exparte due to not taking any step.

Heard and Considered of the petitioner exparte.

Upon perusal of the application, it is hereby found that OP has not paid any maintenance towards the petitioner nos. 1 after separation. No document is produced by the OP in primary stage regarding the income of his wife. It is further admitted by the petitioner no.1 that she is the legally wedded wife of the OP no 1 and during wedlock, the child was also admitted. As the OP no 1 did not produce any necessary documents regarding there is an income of petitioner or whether he has done enough effort to bring her back to his own house and thus the contention of the petitioner will be considered as conclusive as temporary basis as no evidence is produced and Interim order is not improper in the matter of giving interim maintenance. So, considering the above stated facts and circumstances, I am inclined to hold that this is a fit case for passing an order of interim maintenance against the petitioner nos. 1 but at this stage without the evidence residence order cannot be passed.

Having considered the submissions and on careful scrutiny of the record, it appears that the marriage in between the parties is not disputed. Presently, the

aggrieved person is residing with her parents with minor child. It is no doubt prima facie that the parties are residing separately. It also appears that after marriage, the aggrieved person and the respondent no.1 started to lead their conjugal life at her matrimonial home in a sharehold house with other respondents as admitted by petitioners.

At this stage, without delving deep into the allegations, I am of the opinion that it is the incumbent upon the respondent no.1 to maintain his wife and children to fulfill her basic needs as per his status. The respondent 1 by not attending before this court, cannot escape his liability, save and except as provided in the provision which is yet to be proved. There is nothing on record to help me ascertain the other source of income of the respondent no.1. Again, whether any domestic violence has been caused upon the aggrieved person or not, is a matter of trial. But, the purpose of giving interim maintenance during pendency of the proceeding is to save the life of the aggrieved person.

Considering the material available on record and need of the hour and present status of the parties, I am of the opinion that the aggrieved person is entitled to get interim maintenance till the finality of this case. Thus, considering the status, position and present market price, I am inclined to pass an order in favour of the aggrieved person for allowing maintenance for their livelihood. Regarding the prayer of litigation cost by the aggrieved person in my view it shall be considered at the time of trial.

Hence, it is

ORDERED

that the petition u/S 23 of D.V. Act is hereby allowed on exparte and the same is accordingly disposed of without any order as to costs.

The respondent no.1 is hereby directed to provide maintenance of Rs. 5,000/- per month to the petitioner no 1 per month as interim maintenance inclusively within 10th day of each calendar month from the date of filing of this case, i/d the aggrieved person is at liberty to put the order in execution.

Let a copy of this order be given aggrieved person free of costs.

Fix **02.11.2026** for exparte evidence.

D/C by me