

**Misc Case No.215/2024**  
**CNR No. WBHW1200-1723-2024**  
**J.O Code - WB 00953**

**Order dt. 12-02-2025**

The record is fixed today for hearing of the interim maintenance application of the petitioner.

Petitioner is present by filing hazira and files interim maintenance application afresh incorporating the affidavit therewith. Copy served and objected to. Let it be made part of the record and accepted as the interim maintenance application of the petitioner to the exclusion of the previous interim maintenance application filed by the petitioner and found to be erroneous.

OP is also present and files hazira.

The case is accordingly, taken up for hearing of the interim maintenance application. Heard all concerned. Perused the interim maintenance application, the written objection (hereinafter referred to as W/O) as well as the contesting affidavits of assets and liabilities. Considered.

In brief, petitioner's case is that she married opposite party (herein after referred to as O.P.) in accordance to Hindu rites and customs on 12.03.2015. In her marriage nuptial gifts such as Rs.50000/- in cash, gold ornaments of various kinds, furniture, bedding, dress materials etc. were given. After her marriage she went to her matrimonial home and started residing there with OP as man and wife. Their marriage was duly consummated and a female child was born in the wedlock i.e. Suhani Pramanick. Within a short interval O.P. and members of his family started inflicting mental and physical torture upon her over trivial matters such as household chores. OP also refused and neglected to provide her with sustenance allowance even though he resided at Kolkata for work. The petitioners were often made to go without food and any protest used to be met with brute force. Finally on 20.03.2024, there was a commotion between OP No.2 and his mother and when this petitioner tried to intervene, his mother pushed her to the ground. OP took her to her paternal house in a single apparel on the pretext of getting her treated but left her at her paternal house and returned home. After almost a week he again turned up at her paternal house and took her to her matrimonial home. However, OP's mother drove her out of her matrimonial home. Finding no other alternative she took shelter at her paternal home along with her minor daughter, wherein they are spending their days in grave misery as the petitioner has no income of her own. Since then, the OP did not care to look after her or provide her with any sustenance even though O.P is an able-bodied person earning about Rs. 30,000/- per month as a supervisor in Skipper factory. Hence, this application praying for interim maintenance to the tune of Rs. 8,000/- per month for herself and Rs.4,000/- per month for the minor daughter, totaling at Rs.12000/- per month.

O.P. contested the claim of the petitioner by filing written objection and apart from denying and controverting the allegation made against him, categorically made out a positive case that he married the petitioner out of unconditional love and affection without any dowry, in accordance with Hindu rites and customs. Within a few months of their marriage, petitioner started misbehaving with him and members of his family. She also refused to participate in normal household chores. She also wanted the OP to reside in a separate mess with her exclusively. In order to pacify the petitioner OP agreed and started to reside with the petitioner in a separate mess but petitioner subsequently started insisting that OP reside with her at her paternal house. Thereafter, in the month of June, 2024, petitioner willfully created a disturbance with his mother and voluntarily left the materials home along with the minor girl and all her stridhan articles. Repeated attempts by him to bring her back yielded no results. He further contested the claim of petitioner that he earns Rs. 30,000/- per month as Supervisor at Skipper factory, Howrah and categorically stated that he earns Rs.12000/- per month as a casual

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employee in a private company. He further alleged that the petitioner earns Rs.10000/- per month and that he has already filed a MAT Suit u/s 9 of the Hindu Marriage Act, for restitution of their conjugal life, which is pending before the Court of Ld. Additional District and Sessions Judge, Uluberia, Howrah. He accordingly, prayed for rejection of the interim maintenance application.

In the instant case, contesting claims have been made as to the income of either parties. Petitioners allege that O.P. earns Rs.30,000/- per month as a Supervisor at Skipper factory, Howrah whereas O.P. claims to have a monthly earning of Rs.12000/- per month as a casual employee in a private company. The contesting affidavits of assets and liabilities also failed to disclose much as to the income of the contesting parties simply for the reason that they are not supported by any documents on which a prima facie may be established. However, where the relationship between the petitioners and the OP is admitted and there is nothing on record to show that he has been regularly providing sustenance to the petitioners which happens to be his bounden duty, I find no reason to deny the petitioners' interim relief. Mere averment on part of the OP that the petitioners are better off than him financially fails to hold much water as the mischief of the law provides the petitioners with liberty to seek maintenance from the OP.

Having so observed however, I am inclined to pass an order of interim monetary relief subject to rationalization of the claim made by the petitioner as there is nothing on record to show that the O.P. earns Rs.30,000/- per month.

Hence, it is,

**ORDERED**

that the petition for interim maintenance allowance of the petitioners is allowed on contest in part and that the O.P. shall pay the petitioner No.1 a monthly maintenance allowance @ **Rs.3,000/- per month for herself and @ Rs.2,000/- per month for the minor daughter** with effect from the date of filing of the instant Misc case within 10<sup>th</sup> day of every succeeding English calendar month. This order shall remain in force till the disposal of this Misc. Case.

Arrears of maintenance, if any; be liquidated in 06 equal monthly installments by the OP failing which the petitioner shall be at liberty to put the order in execution.

Let, a copy of this order be made available free of cost to the petitioner.

To 22.04.2025 for evidence.

Both parties to come prepared.

**D & C by me**

**A.C.J.M. Uluberia**

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