

MC – 265/2024
CNR NO. : WBHW120023002024
Present : Sri A Bose (J.O. Code : WBJ01491)

Order dated 12.12.2025

Today is the date fixed for passing interim order.

Both sides are present by filing hazira and taken due steps. On last date, a full fledged hearing was heard in presence of both parties.

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 of the petitioner stated that on 04.03.2024, he got married with the OP as per Hindu rites and ceremonies and after nine days of marriage, the OP and his family started torturing upon the petitioner and also kept her unfed and physically and mentally tortured her. It is alleged that on 11.04.2024, the OP abused verbally the petitioner and assaulted her. Later, the petitioner came to know that OP went outside with one woman. It is further alleged that OP's family used to lock her in a room and assaulted her badly. It is further alleged that OP has income of Rs 20,000/- to 25,000/- per month in working as a contractor in iron factory along with has landed properties, dwelling house, motor cycle. On the other hand, the petitioner has no income of her own.

That, the OP made his stress on the point that all the allegations made by the petitioner is completely false. The OP further stated that after few days of marriage, the OP came to know that there was a proposal of marriage of the petitioner before this marriage and the petitioner married the OP as per wish of their parents and she did not accept him as her husband. It is further alleged that no dowry was taken at the time of marriage and no ornaments or other marriage articles were demanded at any point of time. It is further alleged that the petitioner tried to pressurize upon the OP to file false case. Further, she did not want to do any household work and also abused the family of the OP. She did not respect the OP and his family. It further denied the fact that OP and his family have confiscated all the stridhan articles to them. It is further alleged that OP has income of Rs 6,000/- to 7,000/- per month by doing jori work. On the other hand, petitioner has no income. Having heard both sides 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. Both sides admit the petitioner and OP are husband and wife.
2. The petitioner has no income of own as nothing supportive came.
3. The O.P. is not maintaining the petitioner.
4. Both sides allegations against each other are subject to full-fledged trial.
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. admitted that the petitioner is his wife.
9. The interim maintenance petition is duly supported with an affidavit sworn by the petitioner.

10. One side filed affidavit as per the direction of Hon'ble Apex Court.
11. Upon considering the case on record this court at this stage has not found any exact document regarding the income of the OP Rs 20,000/- to 25,000/- per month and others apart from the affidavit filed by the petitioner and OP. Further, the petitioner did not adduce any evidence regarding the property and other articles belonging to the OP in her application. Further it is also bounden duty of the OP to maintain his wife in no matter what but the quantum of maintenance must be considered after observing supported and corroborating documents. From the W/O, the OP has admitted that his marriage with the petitioner and has income of Rs 5,000/- per month. Though as per Section 144 of BNSS, it is the bounden duty of the OP to maintain his wife.
Hence it is ordered that the application for interim maintenance by the petitioner is allowed on contest and finally disposed off. The O.P. shall pay @ Rs 1,500/- per month for petitioner as interim maintenance allowance according to the English calendar by the 5th 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.

O/P 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.

Fixing **02.04.2026** for evidence of PW-1.

Both sides to come prepare.

D/C by me

J.M. 1st Court Uluberia

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