

MC – 308/2024

Order dated :-
03.09.2025

Today is fixed for order.

Both parties file hazira.

Now, the record is taken up for passing of the order.

The contention of the Petitioner is that she is the legally married wife of the O.P. and she has filed a petition u/s 125 Cr.P.C claiming maintenance for herself and other petitioners on the ground that the O.P is not paying any maintenance towards themselves.

The specific contention of the petitioner is that their marriage was solemnized on 18.01.2024 as per Muslim rites and customs. At the time of marriage, bouti, golden finger ring for the bride and groom, totalling 3 bhoris gold ornaments along with bedding, steel almirah, dressing table and other household utensils were given to the groom. But after one week of marriage, the OP made the petitioner subjected to torture on demand of more dowry. The OP was not providing food and clothes to the petitioner and even did not allowed the petitioner to contact with her parents. But despite that the petitioner wanted to settle the matter but all went into vain. On 30.05.2024, at about 2:00 to 3:00 pm, the OP with her family members tried to strangle the petitioner by putting pillow over the mouth of the petitioner. When the local people came over the spot, the petitioner was able to rescue herself. The OP took away and kept all the stridhan articles of the petitioner. At present, the petitioner is residing at her parent's home in a destitute condition.

The OP is financially well off. He has a cloth store at Uluberia Hemanta Basu Market and is thereby earning Rs 50,000/- per month. He has also other landed properties, pond and is thereby earning Rs 5,000/- per month. He does not pay to the petitioner for her maintenance. On the other hand, the petitioner has no income and she is living in a very distress condition and is unable to maintain herself. On the ground, the petitioner needs at least Rs. 15,000/- per month in total for interim maintenance towards herself to meet the day to day expenses in the days of high market price.

On the other hand, the O.P. denied all the allegations of the petitioner. It has been stated that this case is not maintainable either in law or fact. The petitioner has no cause of action. The allegation has been made falsely and frivolously against the O.P. with an intention to harass the O.P.

It is submitted that the parties herein entered into marriage as per Muslim rites and customs. The petitioner was duly short tempered. She did not pay any respect towards her husband and her inlaws. The petitioner used to create physical as well as mental torture upon the OP. The OP or his family members has no shop on their own. The shop situated at Hemanta Basu Market is a rented one. They have no landed properties or house. The parents of the OP are senior citizen. On the other hand, the petitioner is a jori worker and she earns Rs 3,000/- to 4,000/- per month.

Heard, considered, perused the materials relied upon both sides including the documents.

Though the O.P. has denied all the allegations of the petitioner but the marriage is admitted. It is also not disputed at this stage that the petitioner has been residing separately.

Considering the submission of both sides and materials available on record, it appears to me that certainly there is a reason for this rift between the parties.

Whether the petitioner was subjected to cruelty on demand of dowry, neglected or has left the matrimonial house voluntarily cannot be decided at this stage in the absence of evidence. There are other allegations and counter allegations as well which at this stage in the absence of any evidence cannot be taken into for discussion and consideration. The OP has not denied the marriage, so the first and foremost criteria for awarding maintenance is fulfilled.

At this stage, without delving deep into the allegations and counter allegations, I am of the opinion that it is the incumbent upon the OP to maintain his wife. The OP once admits the marriage, he cannot escape his liability, save and except as provided in the provision which is yet to be proved.

No document in support of the OP or the petitioner has been filed by the parties. But it is a settled law that in deciding the quantum of maintenance, it is required to keep in mind the very reasonable means of the petitioner as well as the admitted income of the OP.

Considering the need of the hour, the present socio-economic condition and applying the rule of prudence, with a view to keep the life alive of the petitioner during the pendency of the final disposal of the main application, I am granting a minimum amount of interim maintenance to the petitioner which would be justified for both the parties considering all aspects.

Hence, it is

ORDERED

that the interim application is allowed on contest without any order as to costs.

The OP is directed to pay Rs. 3,000/- per month to the petitioner from the date of the filing of the interim maintenance i.e. 23rd August, 2024 payable within 10th day of each succeeding month for which it falls due till the disposal of this case. The arrear interim allowances if any be cleared within two months from this day.

In default, the petitioner has the liberty to put the order in execution to realize the amount as per law.

Thus, the interim application is hereby disposed of.

Let a copy of this order be supplied to the petitioner free of cost.

Fix for evidence.

D/C by me