

**MC – 315/2022**  
**CNR NO. : WBHW120035732022**  
**J.O. Code : WB01208**

In the matter of  
**Sushrita Paruk (Poria) & another Vs. Avijit Paruk**

**Order dated 09.01.2024**

Today is the date fixed for passing interim order & evidence of PW(s).

Both sides taken due steps. Petitioner deposed in full in examination in chief as PW-1 and Cross examined in part and deferred. PW-1 deferred on the prayer of the OP. OP prayed further time for cross examination and the same hereby allowed on consent.

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 O.P. made his stress on the point that the petitioner is a self dependent and she provides tuition and earns Rs. 10,000/- per month, whereas O.P. is conductor of Kamalpur- Barasat Bus and earns Rs. 4,000/- to 5,000/- per month. Ld. Advocate for the petitioner submitted that daughter and the petitioner are in need of financial support as they have been living a life in distress condition. Moreover she has no income of her own, whereas OP has some private cars and gave those cars on rent and earns Rs. 30000/- per month. Beside this, he has landed property from he also earns money, in total he earns Rs. 35000/- per month. Petitioner prayed for Rs. 6000/- per month for herself and Rs. 4000/- per month for her minor child namely Aheli Paruk, in total Rs. 10,000/- per month as interim maintenance. 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 fact of marriage and having of one girl child.
2. The petitioner is residing in her parents home.
3. The petitioner has no income of own as nothing supportive came.
4. The O.P. is not maintaining the petitioner no. 1 & 2.
5. Both sides allegations against each other are subject to full-fledged trial.
6. 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 restitution and urgency 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. claimed that he is a bus conductor (helper) and nothing at this stage adverse came that the O.P. is not an able bodied person.
9. The interim maintenance petition is duly supported with an affidavit sward by the petitioner.
10. Both sides filed affidavit as per the direction of Hon'ble Apex Court.

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 1000/- p.m. to the petitioner and @ Rs. 1000/- p.m for her minor child Aheli Paruk i.e. in total Rs.2,000/- per month as interim maintenance allowance according to the English calender by the 10<sup>th</sup> 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.

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 **28-03-2024** for further cross examination of PW-1.

Both sides to come prepare.

D/C by me.

J.M. 1<sup>st</sup> Court Uluberia

Sd/-  
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