

In the Court of Judicial Magistrate, 1st Court, UluberiaPresent: Akash BoseMC - 424/2022TR- 984 of 2022CNR No- WBHW120046572022Order dated 15.01.2026

Today is fixed for hearing of petition filed by the aggrieved person 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.

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 has stated that she got married with the respondent and had been living with him since 18.06.2019 to 16.06.2022 at Mugkalyan and then she was compelled to come back in her father's house and since then neither of the respondents did not take any information of her. It is further alleged that respondent no 1 being a healthy person is working in a grill factory at Nuntia, Bagnan and is earning Rs 30,000/- to 35,000/- per month along with has huge landed properties and other source of income. On the other hand, petitioner has no income of her own. It is alleged that at the time of stay in matrimonial house all the respondents tortured upon the petitioner like a hell.

In this circumstances, the petitioner is praying before this court an ad interim maintenance of Rs 20,000/- per month along with house rent of Rs 5,000/- per month from respondent no 1.

On the other hand, the respondents appeared and filed W/O denying and disputing all the material allegations except the marriage as stated in the complaint. The application under D.V. Act is not maintainable at all as there is no cause action whether any domestic violence has been caused or not. The allegations as raised by the aggrieved person are baseless. They labeled some allegations against the aggrieved person. Respondent no.1 has denied the income as stated by the aggrieved person. OP/respondent no.1 has prayed for refusal of the prayer.

I have given my attention to the submissions of both the Counsels and materials on record.

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. 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 as admitted by both sides. The respondent no.1 has denied the quantum of income and domestic incidents as stated by the aggrieved person.

At this stage, without delving deep into the allegations and counter allegations, I am of the opinion that it is the incumbent upon the respondent no 1 to maintain his wife and to fulfill her basic needs as per his status. The respondent no 1 once admits the marriage, he 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 contest in part 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. 2,500/- per month to the aggrieved person 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 **04.06.2026** for evidence.

D/C by me

JM 1st Court Uluberia

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