

ORDER-SHEET FOR MAGISTRATES’ RECORDS

DISTRICT MURSHIDABAD

IN THE COURT OF THE JUDICIAL MAGISTRATE OF LALBAGH

MR Case No. 102 of 2024
TR 89/2024

Serial No. of order.	Date.	Order with signature of the Magistrate.	Office notes as to action taken on order (if any) and date.
	15.06.2026	Record is taken up for passing Exparte final Order u/s.125 of Cr.P.C /144 of BNSS. As it appeared from the case record present petitioner/wife lodged application u/s.125 of Cr.P.C claiming maintenance for herself and one minor child from her husband; application lodged before Ld. ACJM at Lalbagh on 24.01.2024. Record received on transfer for trial; from the case record,. OP appeared before this court but subsequently he did not contest the case and the matter fixed for exparte hearing vide order dt. 30.10.2025. Record taken up for exparte hearing, petitioner/wife submitted her affidavit of Assets/Liability on 22.01.2024 and affidavit in chief on 28.01.2026. Petitioner/wife was examined as PW1 in the form of exparte evidence, letter of application u/s.125 of Cr.P.C marked as Ext.-1, affidavit of Assets/Liabilities marked as Ext.-2 and affidavit in chief marked as Ext.-3. From the unchallenged testimony of the petitioner/wife as well as from the application, this Court found marriage between the parties namely, Sakiba Khatun and Sagir Hossain was solemnized as per Islamic Rites and Customs 05 years ago. Marriage was duly solemnized gave birth to one child namely, Sarikul Islam, found to be aged about 1 year at the time of filing. Parties found to be living separately since 21.10.2023. As petitioner got no income of her own, submitted on Affidavit in her Assets/Liabilities, the instant application u/s.125 of Cr.P.C was preferred. This Court found merit in the instant application u/s.125 of Cr.P.C, same is allowed in the form of exparte final order. Considering the socio-economic status of the parties and test of reasonable requirement as led down in Rajnesh Vs. Neha by the Hon’ble Supreme Court of India and also borrowing the wisdom from the decision of the Hon’ble High Court at Calcutta as reported in 2023 (1) AICLR 162 (Cal.) regarding quantum of maintenance this Court found Rs.3,000/- per month shall be just sufficient and reasonable for the petitioner/wife till her remarriage and Rs.2,000/- per month for the minor child, till the age of attaining majority.	

		Hence it is, ORDERED the instant application be and the same u/s.125 of the Cr.P.C / 144 of BNSS hereby stand allowed in the form of exparte final order. OP/husband hereby directed to make payment of Rs.5,000/- per month as maintenance for the petitioner/wife and minor child with effect from 24.01.2024; OP further directed to make payment within 10th day of each Julian Calender Month for which it falls due. In default of payment, petitioner/wife shall be at liberty to execute the instant order as per law. Free certified copy of this order sheet be made available to the petitioner/wife at once. Matter stands finally disposed of in exparte, without any order as to cost. B.C-II to keep note in CIS and TR. Upload order in CIS. Sd/- S. Mitra (WBJO Code-01334) Judicial Magistrate, Lalbagh	
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