

In the court of Chief Judicial Magistrate , Murshidabad .

Present : Smt. Aparna Chaudhuri

Chief Judicial Magistrate, Murshidabad

MR case No 1053/ 2022

CNR No. WBMD04-004027-2022

Petitioners Name : Suma Khatun

Opposite parties : Kabir Sk.

A petition U/S 125 of Cr. PC

Order dated: 08.09. 2022 :

Petitioner has filed a petn u/s 125 of Cr.P.C. praying for maintenance for herself and her minor child .

Let the case be registered as MR case

Issue notice upon the OP , fixing 31.01.2023 for SR .

It is mentioned here that in a case reported in (1985) 4 SCC , 337 Hon'ble Apex Court observed that in appropriate case an interim order of maintenance can be passed ex parte even before service of notice upon the opposite party . As per order dt. 04.11.2020 in Cril. Appeal no. 730 of 2020 passed by Hon'ble Apex Court , the petitioner has filed an affidavit and in view of the said order , the petition is taken up for hearing.

Petitioner has submitted a petn praying for interim maintenance being supported by an affidavit . Hd . Ld Advocate . Petnr. alleged that OP is a fit and able bodied person and earns Rs . 40,000 /- per month from his landed property and pacca structure and business . Section 125 of Cr.P.C. is a beneficial legislation which is enacted for providing reliefs to the destitute wife , parents and minor children .

Considering the financial status of the parties , present market price and also affidavit filed by the petnr and also helpless condition of the petnr., , I am of the view that an ad- interim maintenance should be awarded in respect of the petnr. Accordingly, the OP is directed to pay of Rs. 1,500/- each per month for the petnr. and her minor child , totaling Rs. 3,000/- as ad-interim maintenance till the disposal of the Interim maintenance petition after appearance of the OP .

OP to show-cause by 31.01.2023 as to why the order of interim maintenance passed by this Court should not be made absolute and as to why this maintenance as prayed for by the petitioner should not be granted .

Let a copy of this order be sent to the petnr. free of cost.

Let the case be transferred to the Court of Ld. J.M. 1st Court Berhampore for trial and disposal.

D/C by me.

C.J.M., Murshidabad.

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JO CODE WB00849