

Misc case 401/25

Dated 16.07.2025

Today is fixed for hearing.

Both parties are present before this court.

The Ld. Advocate of the petitioner submitted before the court that the petitioner is the married wife of the OP and their marriage has been solemnized 5 years ago prior to the filing of this case.

The daughter was born on 25.08.2021 namely, Rumana Khatun.

The petitioner is inflicted with mental and physical torture by the OP/Respondents. The petitioner was physically abused both by her husband and father-in-law and being compelled she disclosed to her mother and intend to lodge the complaint at Nowda P.S. But the OP/Respondents ascertained the same and did not let the petitioner lodge the complaint rather on the opposite side of Nowda P.S in a tea stall forcibly obtained the signature of the petitioner on several divorce paper and asked her to keep her mouth shut and also gave Rs. 3,20,000/-. After taking a snap of the said amount with the petitioner they have taken away the said amount and the petitioner was compelled to take shelter to her mother's house. She was intimated to kill if she lodge any complaint against the OP/Respondent in the police station and as such she has not filed any case.

On the other hand the OP vehemently objected to the petition of the petitioner.

The OP/Respondent submitted that the petitioner was her wife but their marriage was dissolved. She has taken one time settlement of Rs. 3,20,000/-. She has remarried prior to the filing of this case and as such this case is not maintainable. The OP has submitted certain documents relating to marriage of the petitioner with one Hasiful Dafadar. He has also filed the documents relating to payment of the amount of Rs. 3,20,000/-.

Under Indian law, a wife loses her legal entitlement to claim or continue receiving interim maintenance from her former spouse upon her remarriage, as the obligation of support shifts entirely to her new husband.

In this case clear *prima facie* evidence of her subsequent marriage such as registration certificates, Kabilnama , is formally submitted to the court, it effectively dismantles her claim of financial dependency at this stage however there is no whisper of the same in the D.I.R and its veracity is also to be looked into.

In order to prevent the abuse of the legal process and ensure that maintenance is not wrongfully extracted .

Moreover as per Section 9(1) of the PWDV Act the protection officer is to assist the court in dispensation of Justice.

Contd.....

As per section 28 of the PWDV Act the court can lay down its own procedure for disposal of application .

In view of the same the veracity of those documents and a further D.I.R is required for disposal of this case.

However the OP/ Respondent shall pay Rs 2500/- per month to the minor Rumana Khatoon from the date of application till the law permits as interim monetary relief. The O.P. is also directed to pay the maintenance allowance, so ordered by the 7th day of each month according to English calendar. In default of payment the petitioner shall have recourse in due course of law.

Let a copy of this order along with those documents be sent to the Protection Officer for compliance .

Fix **28.08.2026** for compliance report from Protection Officer and hearing.

D/C by me,

J.M. 1st Court, Berhampore