

WBMD090018632023



**In the Court of Judicial Magistrate, Additional Court,
Lalbagh, Murshidabad.**

Present :- Shrinivas Prasad Shah

M.R. Case No. 421 of 2023

(C.I.S. Registration No. 421 of 2023)

Order Dated :-06-01-2025:-

As stipulated by previous order today is fixed for interim hearing, and filing of W/O and affidavit for declaration of assets and liabilities.

Petitioner files hazira along with affidavit for declaration of assets and liabilities.

Let it to be kept with record.

Respondent files W/O along with affidavit for declaration of assets and liabilities.

Let it to be kept with record.

Heard the Learned Advocates.

Perused the materials available on record.

Here the petitioner Sefali Khatun claiming herself to be legally married wife of the opposite party Joynal Sk has prayed for grant of interim maintenance allowance of Rs. 5,000/- p.m. for herself and Rs. 5,000/- p.m. for her minor daughter.

The case of the petitioner is that, her marriage was solemnized with the opposite party fourteen years ago, according to Muslim Shariat. After marriage she led conjugal life with the opposite party in her matrimonial house and from their wedlock one female child was born to the petitioner. Allegedly, the petitioner was subjected to physical and mental torture by the opposite party husband and on 22-11-2022, she and minor daughter were drove from her matrimonial house after brutal assault. The petitioner is now passing her days in financial stringency and staying in her parental house along with her minor daughter. The opposite party is stated to have refused and neglected to maintain both of them. According to the petitioner, the opposite party is an able bodied person and he has landed property and works as tile mistri and he has earning to the tune of Rs. 40,000/- p.m. In the light of such fact the petitioner has prayed for grant of interim maintenance allowance for herself and her minor daughter.

The opposite party in his written objection has admitted the marriage with the petitioner wife and the paternity of the minor daughter but denied other allegations leveled against him. According to him the petitioner left his company on her own accord. Opposite Party further contended that petitioner tried to force respondent to leave in separate house from his parents. But the same has been denied by respondent, so petitioner left her matrimonial house on his own accord. Contending the fact that he is a day labour and his monthly income does not

exceed Rs. 4,000/- per month and Opposite Party has prayed for rejection of the application for interim maintenance.

I have perused the affidavit for assets and liabilities filed by both sides. As per decision of Hon'ble Apex Court in **Rajnesh Vs Neha**¹.

Here, the status of the petitioner as the legally married wife of the Opposite Party, the paternity of the minor daughter and the fact that she has been staying separately along with her minor daughter are not in dispute. There is no glimpse of any material in the record to suggest that the Opposite Party provided maintenance to the petitioner and to her minor daughter till date or that the Petitioner is having independent income of her own sufficient to maintain herself and her minor daughter as contended.

Considering the facts and circumstances of the case and material in the record, I feel no hesitation to allow the application for interim maintenance.

Hence, it is

ORDERED

that the application dated 31-05-2024, filed by the petitioner praying for interim maintenance is allowed in part on contest without any costs.

The petitioner does get an interim maintenance allowance of Rs. 2,500/- (Rupees two Thousands five hundred Only) per month for petitioner and Rs. 2,500/- for her minor daughter as interim maintenance allowance total = 5,000/- from the date of filing of interim application, i.e. 31-05-2024.

This order of interim maintenance shall take effect from the date of interim application i.e. 31-05-2024.

The opposite party is directed to pay the arrears interim maintenance of each month along with with current month's maintenance.

The opposite party is directed to pay arrears interim maintenance of one month along with current month's maintenance within the 10th day of the succeeding month as per English Calendar ; failing which the petitioner will be at liberty to put this order in execution.

Let a copy of this order be supplied to the petitioner free of costs at once.

Fix 16.07.2025 for evidence.

Typed by me

Judicial Magistrate
Additional Court,
Lalbagh, Murshidabad

Judicial Magistrate
Additional Court,
Lalbagh, Murshidabad