

MR 1215 of 2024

Order dated: 25.09.2025

Today is fixed for interim hearing.

Petitioner is present by filing hazira.

OP is absent without taking any step.

Both parties filed affidavit of assets and liabilities.

OP has filed written objection.

None appears for OP.

Therefore, the record is taken up for hearing of interim application.

Heard Ld. Advocate for the petitioner.

Now, the case record is taken up for passing ex-parte order of interim maintenance.

This is an affidavit application by the petitioner under section 144 BNSS claiming interim maintenance for herself from the O.P./husband to the tune of 10,000/- per month for herself and Rs. 6,000/- for her minor child (special child) .

After filtering out the unnecessary fact, the factual matrix in brief of the petitioner's and O.P.'s case are as follows:-

The brief facts of the petitioner's case that the instant case alongwith an application for interim maintenance was filed on 30.09.2024. Petitioner got married to OP 08 years ago according to Muslim Rites and Customs. At the time of marriage, several valuable articles and cash was given to OP. Petitioner started her conjugal life with OP and gave birth to Akib Sk. on 22.05.2017, who is a special child. After marriage, petitioner was subjected to physical and mental torture by OP and his family members. OP always demanded dowry from the petitioner and she was assaulted by OP to meet the unlawful demands of dowry. On 04.08.2024, petitioner was assaulted by OP and thereafter, she was driven out from her matrimonial house alongwith her minor son. OP has neglected to providing interim maintenance to the petitioner and her minor son. OP is an able bodied person and has business and several movable and immovable properties. In spite of having sufficient income, OP is neglecting to provide maintenance to the petitioner and her minor son.

OP filed W/O on 28.02.2025 wherein he denied all the materials against him. OP states that he is a daily labour and earns Rs. 200/- to Rs. 250/- per day and his total income is not more than Rs. 7,000/- per month. OP has taken necessary steps for restoration of conjugal rites by filing an application being No. SDLSC 989/2024, the said matter is pending. OP states that the petitioner earns Rs. 5,000/- per month and has income from Laxmir Bhandar scheme.

Perused the affidavit of assets and liabilities filed by both sides. None of the parties have produced any income certificate or bank A/C statement in support of their case.

Decision with reasons

On careful perusal of the interim maintenance petition and written objection to the same, I find that petitioner is the wife of the O.P and the minor child was born out of their wedlock. The O.P. denied his income as stated by the petitioner. From the materials on record, it appears to me that the petitioner and the O.P. are living separately from each other. I find allegation and counter allegation made by each party. The question whether petitioner was driven out or voluntarily left the house is a matter of trial and it cannot be determined at this initial stage. But I find that petitioner a derelict woman alongwith her minor child, has been passing her days in great hardship owing to the financial crunch and has been rendered an additional burden to her parents. Thus, in my view if the petitioner being the destitute lady and the minor child are not provided with

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the interim relief then she won't be able to survive her life and the life of her minor child. The sec. 144 BNSS is a social legislation and its object is to prevent vagrancy and destitution of wives, minor child and parents who are unable to maintain themselves. The petitioner in such distressing painful situation seeks maintenance for herself and her minor child in the light of inflation in prices of commodities in order to lead a modest life free from burns of pains of hunger. So, I am of the view that the OP is able bodied and has sufficient capacity to pay the maintenance.

In my view, it will be just and proper, reasonable and sufficient in the instant case after considering the status of the parties, if the O.P. is directed to pay interim maintenance allowance at the rate of Rs. 3,000/- per month for the petitioner and Rs. 2,000/- for the minor child in such inflated market price of the essential goods for the survival of lives.

In my view quick disposal of this case is very much necessary. Thus, I direct both the parties to be ready for adducing their evidence by the next date.

HENCE, IT IS

O R D E R E D

that the application for interim maintenance under section 125 Cr.P.C. is considered and allowed in part on contest.

The petitioner is entitled to get an amount of Rs. 3,000/- per month for herself and Rs. 2,000/- per month for her minor child towards interim maintenance allowance from the opposite party from the date of filing this case.

The opposite party is directed to make payment of Rs. 5,000/- per mensem to the petitioner for her maintenance as well as for the maintenance of minor child within the every 10th day of every succeeding English calendar month, failing which the petitioner would be at liberty to execute the order so passed.

A copy of this order is given to the petitioner free of cost. The petition for interim maintenance is thus disposed of.

Fix **06.06.2026** for evidence,

D/C by me,

**Addl. Chief Judicial Magistrate,
2nd Court, Lalbagh, Murshidabad.
J.O. Code – WB 01294**

**(SUJATA MONDAL)
Addl. Chief Judicial Magistrate,
2nd Court, Lalbagh, Murshidabad.**