

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

Present :- Neha Sharma

J.O Code: WB01316

M.R. Case No. 588 of 2024

(C.I.S. Registration No. 588 of 2024)

Order dated : 14/07/2026

Today is fixed for hearing the interim maintenance application filed on behalf of the petitioner. Both sides are present by filing there respective Haziran. On behalf of petitioner some documents by way of firisti are filed. Both sides have filed there respective Affidavit of Assets and Liabilities.

Heard both sides

The record is taken up for passing Order.

This is an application for interim maintenance u/s 125 CRPC/ sec 144 BNSS filed by the petitioner **Farida Parvin against her husband Md. Mahasan Sk.**

The case of the petitioner is that she was married to the O.P as per **Muslim Shariat Law on 06-03-2022**. At the time of marriage, father of petitioner, despite his destitution, gave cash as per demand, gold and silver ornaments and other essential furniture items as gift to petitioner. All the gifts received by petitioner were handed over by her to the O.P and started leading her conjugal life with him. No kids have born to the parties out of wedlock. Out of greed, more demand for money was allegedly made by OP which the petitioner could not fulfil after a meeting with such demand for a few times earlier, due to utter destitution of her father. As a result, she allegedly was mentally and physically tortured and also threatened with a second marriage by OP. **Allegedly on 05-11-2023** the petitioner was driven out from the matrimonial house after immense torture. She filed a case u/s 498A and other allied section against the OP. for filing such case she was again subjected to mental and physical torture and this continued a multiple times.

On the other hand, OP is **an able bodied person and is a primary school teacher who is having good monthly income of Rs. 1,60,000/- from teraching and has additional income from other business source** and also has land and pucca house but refuses to pay a penny to petitioner and also never enquired after her. The petitioner at present is living at her father's house and unable to maintain herself as she has no independent source of income of her own.

Petitioner prays for a monthly maintenance of **Rs. 50,000- for herself from her husband for her proper living conditions.**

O.P in his written objection denied that he ever inflicted physical and mental torture upon the petitioner and he also denied that he demanded any dowry at the time of marriage. He further denied that he put pressure upon the petitioner for bringing more money from her

father.

It is the case of the O.P. that the petitioner was not driven out from her matrimonial home but she left the matrimonial home on her own accord. It is alleged that the petitioner never came to live with this OP as OP used to stay at his rented house at his place of work and this petitioner used to reside with his mother. OP made multiple attempts to bring back the petitioner to matrimonial house to start his conjugal life which bore no result and she never cared for the peaceful conjugal life but filed multiple false cases against OP and his family. In respect of income, OP alleges that he has no landed property and earns Rs. 28,000. Petitioner, on the otherhand earns around Rs. 50,000/- to Rs. 60,000/-- per month through Annapurna scheme and has other income sources by giving vehicles for hire.

OP prays for dismissal of the case.

In a case for interim maintenance under section 125/section 144 of the BNSS the Court has to prima facie satisfy that the parties are married and the other issues raised by the O.P are to be decided at the time of trial.

O.P himself has admitted in this case that he is the husband of the petitioner and he has further admitted that the petitioner is residing at her father's house.

That is sufficient for the disposal of this petition and the other issues are to be decided at the time of trial.

The Apex Court has laid down the standard operating procedure to be considered at the time of disposal of the interim maintenance cases in case **Rajnish V. Neha** (2020) wherein it is mandated that both parties must comprehensively disclose there assets and liabilities in the form of Affidavit for the purpose of determining the maintenance amount. The intention here is also to ensure financial transparency so that there is no concealment of income to secure of dodge maintenance.

By the phrase “Unable to maintain herself”, the spirit of the legislature has been elucidated in “**Chaturbhuj Vs. Sitabai**” 2008 wherein it is clarified that the wife need not be in condition of absolute penury to be entitled to interim maintenance. The parameter to be kept in mind is whether the wife is earning enough to maintain a lifestyle similar to what she enjoyed in her matrimonial house. The relevance of the on lies in the factor that even if wife is earning basic income, interim maintenance can be granted to make her maintain a basic lifestyle

On the basis of the discussion in preceding paras this court is of the considered view that The petition for interim maintenance deserves to be allowed.

The parameters to be considered at the time of fixing the quantum of maintenance as opined in **Rajnish Vs. Neha by the Hon’ble Supreme Court of India** are taken into consideration and this Court finds **Rs.15,000/- per month** for petitioner till her re marriage shall be just sufficient and reasonable till final disposal of the instant application.

Hence it is,

ORDERED

the instant application be and the same u/s.125 of the Cr.P.C hereby **stand allowed on interim basis** in part upon contested hearing.

OP/husband hereby directed to make payment **of Rs, 15,000/- per month for the petitioner** from the date of institution of this case; OP further directed to make payment within 7th 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 adjourned.

Both parties directed not to seek any unnecessary adjournment during trial.

Fix 13.01.2027 for recording of evidence by the petitioner.

Upload order in CIS.

D/C by me,

J.M. Addl. Court,
Lalbagh, Murshidabad

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Lalbagh, Murshidabad