

Sirina Bibi

Vs.

Sadek Ali Sk

As fixed the record is taken up on this date for passing order.

- 1. Before passing any order it would be apt to take a succinct view of the instant case. The petitioner's case as put forward by her is that she is the lawfully married wife of the O.P herein and their marriage was solemnized 16 years ago according to Muslim Law and thereafter she lived with the OP as husband and wife. During such wedlock a daughter was born namely, Rejina Khatoon who was born on 10/03/2006. The degree of torture upon the petitioner was increased after the birth of female child. Thereafter, the OP remarried another lady leaving the petitioner with one Asrafan Bibi. Finally on 12/07/2020 the petitioner along with her child was driven out of her matrimonial home on her failure to bring more dowry money as demanded by the OP. The petitioner being neglected and refused to maintenance by OP, having sufficient means and being tortured by OP has come up before this court praying for Rs.30,000/ p.m @ Rs. 15,000/- for herself and @ Rs. 15,000/- for her minor child towards their interim maintenance. Whereas, the OP earns about Rs. 1,50,000/- per month as he is a contractor in supplying lady workers in Dubai and Saud Arab and he has also three 'Deep' and also having 60 bighas of cultivated land and pucca house. OP is willfully neglecting and refusing to maintain her. Hence, this application.*
- 2. The O.P on the other hand had denied all the material allegations of the petitioner. But the factum of marriage and paternity of the child are admitted. He had stated that the O.P never used to inflict mental and physical torture upon the Petitioner neither he demanded any money nor he refused to maintain the petitioner. The OP further stated that he was his first wife and four children from first wife and his first marriage was dissolved mutually. Thereafter, OP remarried second time for his four children but his second wife died, thereafter, he married with this petitioner with the hope that she would look after his children but after marriage the petitioner started to inflict torture upon the children of his first wife and created disturbance in the family. OP had made the gold ornaments for the daughter of the petitioner thinking about her future but this petitioner forcefully and without the consent of the OP pressurized the OP for giving marriage of her daughter with her*

Contd...

nephew to which the OP did not agree. Thereafter the petitioner left the house of the OP. Thereafter on 14/06/2020 the petitioner came to the house of the OP and took away the gold ornaments and Rs. 72,000/- cash and also forcefully took away her daughter and gave her marriage with her nephew Ramjan Sk. OP had intimated this incident to SP, Murshidabad. The daughter of the petitioner is now married and living in her matrimonial home. The petitioner has income of Rs. 8,000/- to Rs. 10,000/- by rearing cattle, duck and hen. OP is willing to take back the petitioner. OP is a day labour earns Rs.4000/ per month. Thus he has prayed for rejection of this application of the petitioner.

3. Perused the materials on record. I find that marriage and paternity of the child is admitted by the OP.
4. In view of the submissions of the Ld. Advocate for petitioner and O.P, I am of the opinion that it is the admitted position that the petitioner was married to the O.P and that the petitioner is presently residing separately from O.P . OP has filed a document to show that his daughter has been married and he has also filed a copy of complaint dt 18.6.2020 made before SP Murshidabad. Whereas the petitioner though stated that she was driven out by OP on 12.7.20 but no minimum GDE has been filed by her to show that she was driven out by the OP on 12.7.20.
5. Thus, I find that the petitioner has failed to satisfy her case prima facie to get an order of interim maintenance in her favour and for her daughter. Petitioner has not produced any document to make me primarily believe that there is refusal on the part of OP.

I , therefore, hold that the petitioner is not entitled to an order of interim maintenance u/s 125 CrPC as she has failed to prima facie established her case.

Hence,

it is,

Ordered

The interim maintenance application of the petitioner is refused on contest. The interim application is thus disposed of.

Let a copy of this order be given to the petitioner free of cost.

Fix 01/04/2022 for evidence.

Sd/-

Addl. Chief Judicial Magistrate ,
2nd Court ,Lalbagh.



This document was created with the Win2PDF "print to PDF" printer available at
<http://www.win2pdf.com>

This version of Win2PDF 10 is for evaluation and non-commercial use only.

This page will not be added after purchasing Win2PDF.

<http://www.win2pdf.com/purchase/>