

ORDER-SHEET FOR MAGISTRATES' RECORDS

DISTRICT MURSHIDABAD

IN THE COURT OF THE JUDICIAL MAGISTRATE, ADDITIONAL COURT OF LALBAGH

MR Case No. 857/2022
TR 264/22

Serial No. of order.	Date.	Order with signature of the Magistrate.	Office notes as to act taken on order (if any) and date.
	22/06/26	Record is taken up for passing Exparte final Order u/s.125 of Cr.P.C /144 of BNSS. As it appeared from the case record present petitioner/wife lodged application u/s.125 of Cr.P.C claiming maintenance for herself and minor child from her husband; application lodged before Ld. ACJM at Lalbagh on 20/08/2022 Record received on transfer for trial; OP duly appeared after service of notice, OP found to be without steps on and from 28.08.2023 matter fixed for exparte hearing. Record taken up for exparte hearing, petitioner/wife submitted her affidavit of Assets/Liability on 03.06.2026 and deposed on the same date.. Petitioner/wife was examined -PW -1 in the form of exparte evidence, letter of application u/s.125 of Cr.P.C marked as Ext.-1, affidavit of Assets/Liabilities marked as Ext.-2. From the unchallenged testimony of the petitioner/wife as well as from the application, this Court found marriage between the parties namely Kaba Khatun and Sahidul Islam was solemnized as per Musim Rites and Customs on 22.04.2018. Marriage was duly solemnized and she gave birth to one daughter namely Sadiya Khatun found to be aged about 3 years. Parties found to be living separately since 12.02.2024. As petitioner got no income of her own, submitted on Affidavit in her Assets/Liabilities, the instant application u/s.125 of Cr.P.C was preferred. This Court found merit in the instant application u/s.125 of Cr.P.C, same is allowed in the form of exparte final order. Considering the socio-economic status of the parties and test of reasonable requirement as led down in Rajnesh Vs. Neha by the Hon’ble Supreme Court of India and also borrowing the wisdom from the decision of the Hon’ble High Court at Calcutta as reported in 2023 (1) AICLR 162 (Cal.) regarding quantum of maintenance this Court found Rs.5000/- per month shall be just sufficient and reasonable for the petitioner/wife till her remarriage and Rs.3000/- per month for the minor daughter till the age of attaining majority.	

		Hence it is, ORDERED the instant application be and the same u/s.125 of the Cr.P.C / 144 of BNSS hereby stand allowed in the form of exparte final order. <u>OP/husband hereby directed to make payment of Rs. 8000/- per month as maintenance for the petitioner/wife and minor daughter with effect from 20.08.2022; OP further directed to make payment within 10th 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.</u> Free certified copy of this order sheet be made available to the petitioner/wife at once. Matter stands finally disposed of in exparte, without any order as to cost. B.C-II to keep note in CIS and TR. Upload order in CIS. Judicial Magistrate, Additional Court, Lalbagh	
--	--	---	--