

**Misc. Case 231/2024**  
**J.O. Code – WB 01294**

**Order dated 14.10.2025**

Today is fixed for hearing petition u/s 23 of PWDV Act.

Petitioner files Advocate hazira.

Ld. Advocate for the respondent is present and prayed for adjournment verbally.

Respondent appeared in this case by filing Vakalatnama on 08.05.2025. Respondent did not file any written objection or affidavit of assets and liabilities.

Ld. Advocate for the petitioner/aggrieved person raised strong objection to the adjournment and moves the Court for hearing the petition u/s 23 of PWDV Act.

The petition u/s 23 of PWDV Act was filed on 24.12.2024 and till date no interim order is passed in this case. Therefore, the prayer for adjournment is rejected.

Now the case record is taken up for hearing the petition under section 23 of the PWDV Act.

Heard Ld. Advocate for the petitioner. Considered.

Perused the case record.

Now the case record is taken up passing order in respect of interim order.

This is an application by the petitioner under section 23 of the PWDV Act claiming interim monetary relief for herself from the respondent/husband to the tune of 20,000/- and for her minor daughter to the tune of Rs. 20,000/- per month alongwith prayer of residence order in the shared household alongwith other relief.

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

The case of petitioner in a nutshell is that the petitioner is the wife of the respondent no. 1 and their marriage was solemnized as per Muslim Rites and Customs. Out of their wedlock, one female child is born. At the time of marriage, petitioner's father provided valuable stridhan articles and cash of Rs. 70,000/- to the Respondent no. 1 and his family members. The marriage was duly consummated. After the birth of the female child, petitioner was subjected to physical and mental torture by the respondent no. 1 and his family members for more dowry. Petitioner's father gave certain amount as dowry but the respondents demanded Rs. 1 lakh which the petitioner denied to bring. As a result, 15.10.2024 at around 7 pm, petitioner was assaulted with fists and blows, petitioner was injured and thereafter, she was driven out alongwith her minor child from her matrimonial house. Since then, the petitioner alongwith his minor child is residing at her parental house. The petitioner is helpless lady and not maintained by respondent/husband. On the other hand, respondent/husband has huge landed property and also runs petrol pump of his own land. He earns Rs. 1,00,000/- per month and apart from that, he has 10/12 bighas of cultivable land and pucca house.

On the contrary, the respondents failed to file W/O inspite of getting opportunity but they verbally denied all the allegations labelled against them and prayed for rejection.

**Decision with reasons**

On careful perusal of the petition u/s 23 of the Act and written objection to the same, I find that petitioner is admittedly the wife of the respondent no. 1 and the minor child is their daughter. It is very much clear from the pleadings that petitioner and respondent no. 1 are residing separately from each other. The question whether petitioner was tortured or deserted by the respondent no. 1 or she left the matrimonial home voluntarily is the question which can't be answered at this stage without considering the evidence of both the side.

Thus, in my view if the petitioner being the destitute lady alongwith the minor child is not provided with the interim monetary relief at this stage then they won't be able to survive their lives. 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. On the other hand, the respondent no. 1

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being able bodied has sufficient capacity to pay the maintenance and he cannot escape from his liability to maintain his wife and minor child.

So considering all aspects, it will be just and proper, reasonable and sufficient in the instant case if the respondent is directed to pay interim maintenance allowance at the rate of Rs. 5,000/- per month for petitioner and Rs. 3,000/- per month for minor child in such inflated market price of the essential goods for the survival of life. But so far prayer of residence order as well as prayer for other relief is concerned, I am not inclined to allow these prayers at this stage without final trial.

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

HENCE, IT IS

**O R D E R E D**

that the application for interim monetary relief under section 23 of the Act is considered and allowed in part on contest.

The petitioner is entitled to get an amount of Rs. 5,000/- per month for herself and Rs. 3,000/- per month for her minor child towards their interim maintenance allowance as monetary relief from respondent no. 1/husband from the date of filing of this case.

The respondent no. 1/husband is directed to make payment of Rs. 8,000/- per mensem to the petitioner for her maintenance within the every 10<sup>th</sup> 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. Accordingly, the petition is thus disposed of.

Fix **13.03.2026** for evidence.

Dictated and corrected by me

Sd/

Addl. Chief Judicial Magistrate,  
2<sup>nd</sup> Court, Lalbagh, Murshidabad.

Sd/-

(SUJATA MONDAL)  
Addl. Chief Judicial Magistrate,  
2<sup>nd</sup> Court, Lalbagh, Murshidabad.