

In the court of J.M. Addl, Lalbagh, Murshidabad

MR 1126 of 19

Nasima Bibi

Vs.

Mursalim Sk

Order dated : 08.04.2021

Today is fixed for Order.

So the record is taken up for passing order.

Both parties file hazira.

Heard both sides.

Perused the application, W/O and other connected materials on record.

It is the case of the petitioner that she got married with the OP about eleven years ago as per Muslim rites and customs with exchange of sufficient dowry items along with a cash of Rs 50,000/- and after marriage she went to her matrimonial house with OP and began their conjugal life and in the said wedlock she became mother of a son and a daughter. It is the further case of the petitioner that after marriage the OP demanded more money to the tune of Rs 50,000/- from her father and in the lieu assaulted her physically and mentally and when her father failed to meet such demand the OP assaulted the petitioner physically and drove her out from her matrimonial home along with her minor children and the petitioner finding no other alternative took shelter at her father's home along with her minor children. Since then the OP never paid a single penny to the petitioner for their livelihood. The OP has landed properties, pacca house, and he is a mason contractor wherefrom he earns Rs 60,000/- to Rs 70,000/- per month whereas the petitioner has no personal source of income on her own.

OP appears in this case by filing vakalatnama and denied all the material allegations against him and in addition he stated that the petitioner left her matrimonial house out of her free will and he is a day labourer.

Heard. Considered.

The factum of marriage between the couple and the paternity of her minor children has been admitted by OP, so this point requires no further discussion.

Contd.....

It has been also contended by the Ld. Advocate for the OP that the petitioner left her matrimonial house out of her free will and OP is a day labourer but this issues are matter of trial and cannot be decided at this stage.

Now what should be the quantum of maintenance to be allowed to the petitioner. As the section 125 Cr.P.C beneficial piece of legislation and enacted to secure and protect the right of the minor, woman and aged parents so the quantum of maintenance should be considered in the light of the present stage and socio economic condition of the society so that they did not face any hardship to live their life. At the same time the court is also look into the hardship of the OP while allowing maintenance allowances.

Considering the circumstances of this case, I am of the opinion that Rs. 1000/- per month for the petitioner and Rs 800/- each per month for her minor children also it would not cause any hardship upon OP.

Hence, it is,

ORDERED

that the application filed by the petitioner under section 125 Cr.P.C. praying for interim maintenance is hereby allowed on contest.

No order has to cost.

The opposite party is hereby directed to pay the petitioner monthly maintenance of Rs. 1000/- per month for the petitioner herself and Rs 800/- each per month for her minor children from the date of filing and he is further directed to pay the maintenance by 10th day of each succeeding English calendar month.

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

To 21.06.21 for evidence.

D/C by me,

JM(Additional Court)
Lalbagh, Murshidabad.

JM (Additional Court
Lalbagh, Murshidabad.