

**IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
CHANCHAL, MALDA**

**Present : Smt Pradipta Bhattacharya,
Additional Chief Judicial Magistrate,
Chanchal, Malda.
J.O Code WB01286
Case No. 222M/2025
CNR No. WBML0800012902025**

Order dated 16.03.2026

Today is fixed for order for interim maintenance.

Perused the case record. Considered.

The record is taken up for passing order on petition for interim maintenance.

The present petition under Section 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by one Deboshree Das against the opposite party claiming *inter alia*, that the applicant and the respondent were married on 30.11.2011 in accordance with Hindu rites and customs and the applicant and the respondent became husband and wife and begot one female child out of that wedlock. When that child was about 9 years old, the opposite party at the instigation of his family members pressurized the petitioner to bring Rs. 4,00,000/- from her father's house and the father of the petitioner thinking about the future of the petitioner, was compelled to pay only Rs. 75,000/- but his cupidity of money does not come to an end. Later on 11.08.2018 he again demanded Rs. 3,25,000/- and when the applicant expressed her disagreement with the pressure of the said opponent and his family members, the said opponent used forces and started brutally torturing the applicant physically and mentally. The said opponent, with the intention of killing the applicant, kicked, punched and beat the applicant in the stomach with any kind of force and lastly, the said opponent and his family members drove the applicant to her father's house in one piece. At present, the applicant is staying at her father's house with her minor daughter.

The petitioner has averred that the opposite party is an Assistant Teacher of Raiganj University. It was also stated that he has a monthly income of around Rs. 40,000/-. She therefore prays for Rs. 12,000/-per month for interim maintenance only for her minor daughter.

The O.P. has contested the case verbally. The O.P. has denied all allegations against him. The fact of marriage between the parties is admitted, but he has stated that it was he who was neglected by his wife who left him voluntarily and went to reside at her paternal house. He also submitted that he has always taken best possible care of the petitioner and her daughter also bore all the expenses of them as and when required. He has hence prayed for rejection of the interim application on grounds that his wife has willfully neglected him and then deserted him on her own will her minor daughter, and he never received from her the love, care and affection that was her duty provide as his wife. But at the same time, he expressed his willingness to maintain his daughter and has stated before this Court that he is ready to pay as the Court may think fit and proper.

I have heard the submissions of Ld. Advocates of both sides and perused the petition, affidavits filed by the petitioner on assets and liabilities under consideration and objections thereto. O.P. has categorically admitted that the petitioner is his

legally married wife and now living separately from him with her minor daughter. On careful perusal of the materials on record, this court is of the opinion that the petitioner has made a prima facie case of neglect, refusal and emotional and economic violence which warrants an interim order of maintenance U/S 144 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to meet the expenses incurred and losses suffered, **including but not limited to maintenance for his minor child.** Although all the objections have been raised but the opposite party neither filed any written objection nor assets and liabilities on affidavit from which Court can assume any idea about his income. Considering the admitted income of the O.P. as an able bodied man having the means and capacity to earn, he cannot be excused or exempted from his duty to his daughter on any of the extant grounds. Moreover, there is no such documents before this Court filed by the O.P to prove that during this entire period he has contributed a farthing towards her. Therefore, it cannot be stated at this stage he is at all discharged any of his duty towards his wife. The allegations of voluntary desertion are matters of evidence and have not been proven at this stage. Thus keeping in view the facts and circumstances of this case as well as the probable assets and liabilities of both the parties as appeared on the record and the location and residence of the petitioner and the costs of living, I think an amount of Rs. 6,000/- for his minor daughter as interim maintenance, as being adequate, fair, and reasonable and consistent with the standard of living to which they are accustomed, till the final disposal of this present proceedings.

Hence, it is

ORDERED

that the petition for interim maintenance is allowed in part on contest. The petitioner does get an interim order of Rs. 6,000/- for her school going minor daughter as interim maintenance, as being adequate, fair, and reasonable and consistent with the standard of living to which they are accustomed, till the final disposal of this present proceedings. The amount should be paid by the O.P within the 10th of every English Calender month for the preceding month falling due. The effect of this order shall be from the date of this order. In case of default, the complainant is at liberty to apply to this court to execute the order.

A copy of this order is to be delivered to the petitioner free of cost.

To 05.06.2026 for evidence.

Dictated & Corrected by me,
Sd/- Pradipta Bhattacharya
Addl. Chief Judicial Magistrate,
Chanchal, Malda.

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Chanchal, Malda