

Misc Case No:- 24/23

Order Dated: 26.09.23

The instant case is filed today by the petitioner, namely, Sampa Roy against Madan Gopal Saha U/s 12 of the Protection of Women from Domestic Violence Act, 2005.

The petitioner has also filed an application U/s 23 (1) and (2) of the Protection of Women from Domestic Violence Act, 2005 praying for ad interim maintenance on the ground stated in the said petition.

Petitioner is present along with her Advocate.

The petition for ad interim maintenance is taken up for hearing.

In the instant petition the petitioner alleges that she has been married to the respondent on 22.05.2017 as per Hindu rites and customs. At the time of their marriage, the petitioner's father gave gold jewellery and other articles as gift. Thereafter she went to her matrimonial house to start her conjugal life. Ever since her marriage, the respondent used to torture her physically and mentally and when she informed about this to her father and her father came to her matrimonial house, the respondent abused the petitioner's father in filthy language. Thereafter, the father of the petitioner took help of Nabadwip P.S and saved her daughter and took her with him on 20.09.2018. It has also been stated by the petitioner that the O.P filed a divorce case against her being Mat Suit No. 159/2019 wherein the Ld. Court ordered the O.P to pay Rs. 18,000/- as maintenance to the petitioner U/s 24 of Hindu Marriage Act but later the said matrimonial suit was dismissed for default. According to the petitioner, she is currently staying at a rented accommodation but due to absence of any income, it is getting difficult for her to bear the cost of living. She has also stated that the O.P earns Rs. 20 lakhs per month being a distributor of Amul and Bisk Farm products. Finally, the petitioner has prayed for an amount of Rs. 55,000/- per month as interim maintenance.

Section 23 of the Protection of Women from Domestic Violence Act, 2005 empowers the Magistrate to grant an ex parte order on the basis of an affidavit in such form as may be prescribed of the aggrieved person U/s 18 to 22 of the Act, if he satisfied that an application prima facie discloses that the respondent is committing or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence.

Perused the record and the documents annexed thereto. On perusal, it appears that there is no such ingredient in the record which would warrant an urgent interference of this Court at this ad interim stage without hearing the O.P.

(Contd.....)

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Hence it is,

**ORDERED**

that the prayer of the petitioner for ad interim maintenance is hereby refused.

The petitioner has already filed requisites.

Issue the same at once.

B.C II to comply.

To 19.12.2023 for S.R and appearance.

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

Let a copy of this order be sent to the Protection Officer, Nadia and Domestic Incident Report is called for after making necessary enquiry in accordance with law.

Dictated and corrected by me :-

Sd/-  
J.M. Nabadwip, Nadia

Sd/-  
J.M. Nabadwip, Nadia