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IN THE COURT OF LD. JUDICIAL MAGISTRATE (1ST CLASS) AT NABADWIP, NADIA.

M. R. (EXE.) CASE NO. 51 / 2025

Petitioner : Reksona Bibi, age - 33 years,
W/o - ChotonSk, D/o - SukchandSk,
Of Bamanpukur, P.O.-Sreemayapur, P.S.- Nabadwip,
Dist.- Nadia, Pin No. 741313.

- Vs. -

Opp. Party : ChotonSk, age - 34 years,
S/o - BadalSk,
Of Bamanpukur, P.O.-Sreemayapur, P.S.- Nabadwip,
Dist.- Nadia, Pin No. 741313.

Petition on behalf of the petitioner

U/s.- 125(3) of Cr.P.C. / 144(3) of BNSS

Most Respectfully Sheweth : -

1. That, on 01/11/2022 the petitioner has filed M.R. Case No. 65/2022 in this Ld. court as per sec. 125 Cr.P.C. and on 07/01/2025 the Ld. Court has passed an interim order directing the opposite party to pay Rs. 5,000 (Five thousand) per month for herself (Petitioner) and Rs. 2,500/- (Two thousand five hundred only) each for her two minor children, totaling to Rs. 10,000/- (Ten Thousand only) to the petitioner as monthly allowance during the pendency of the said case as interim maintenance, with effect from date of interim order i.e. 07/01/2025, within 10th day of each successive English Calendar Month.
2. That, on 19/04/2025 the Ld. court has passed an final order directing the opposite party to pay Rs. 10,000 (Ten thousand only) per month for herself (Petitioner) and Rs. 5,000/- (Five thousand only) each for her two minor children, totaling to Rs. 20,000/- (Twenty Thousand only) to the petitioner as monthly maintenance allowance, with effect from date of order i.e. 19/04/2025, within 10th day of each successive English Calendar Month and the case was disposed of.
3. That, the opposite party never pay the said monthly allowance to the petitioner and thus the petitioner is entitled to get Rs. 30,000 (thirty thousand only) for the 3 (three) months since 07/01/2025 to 06/04/2025 as interim maintenance allowance and Rs. 1,50,000 (one lakhs fifty thousand only) for the 6 (Six) months since 19/04/2025 to 18/10/2025 as maintenance allowance thus in totaling to Rs. 1,50,000/- (30,000+1,20,000) the petitioner is entitled to get from the opposite party.

Therefore, it is prayed that, your Honour would be graciously pleased to pass an order directing the opposite party to pay Rs. 1,50,000 (one lakhs fifty thousand only) to the petitioner or pass such other order or orders as your Honour thinks fit and proper and as in duty bound your petitioner shall ever pray.

VERIFICATION

The above statements are true to my knowledge and belief and I put my signature on 29/10/2025

Handwritten signature of the petitioner.

- A Xerox copy of two Order Sheets are being enclosed herewith.

Mr 65/22

Present : Preetha Mukherjee,
Judicial Magistrate,
Nabadwip, Nadia.

JO Code WB01445
CNR NO. WBND06-000944-2022

Order date 07/01/2025

Today is fixed for interim hearing as last chance, W.O and S.C and asset declaration to be filed in the mean time by the O.P.

Petitioner is present by filing hazira.

O.P takes no step.

Considering the conduct of the O.P, let this case be heard exparte against him.

Now, the record is taken up for passing exparte interim order.

The case of the petitioner in brief is that the petitioner is the married wife of the O.P and their marriage was solemnized on 11/08/2014 as per Muslim rites and customs and at the time of marriage, cash of Rs. 90,000/-, several gold ornaments, cot, dressing table, almirah and various household articles were given. After marriage, the petitioner went to her matrimonial house and started her conjugal life. But after some days of the marriage, the OP started to torture the petitioner both physically and mentally and also demanded money from the father of the petitioner. Out of the said wedlock, one daughter was born. But after the birth of her female child, the torture upon her was increased. The O.P and his family member also tried to kill the petitioner by putting fire on her , but the petitioner somehow managed to save herself and in order to save her life, she took shelter in her parental house. Thereafter, on the request of the O.P, the pitoner again returned to her matrimonial house and then she gave birth to a male child. Then in the year 2018, the O.P and his family member again assaulted the petitioner and drove her away from her matrimonial house along with her children. Then, the petitioner had filed a case being Nabadwip P.S Case No. 46/19 on 02/02/2019, but again the O.P requested the petitioner to return to her matrimonial home, but after some time, the O.P and his family members again started inflicting torture upon the petitioner and they also gave them no food to eat and misbehaved with her. Then on 06/05/2022, the O.P refused to give any money to maintain the petitioner and her child and when the petitioner raised protest, the O.P assaulted her and drove her away from her matrimonial house along with her children. Thereafter, the petitioner again lodged a case being Nabadwip P.S Case No. 401/22 dated 05/09/2022. Since then, the O.P did not contact with the petitioner and did not give any maintenance to herself and her children. According to the petitioner, she has no source of income whereas, the O.P. is an able bodied person and he is a mason by profession from which he earns Rs. 50,000/- to 60,000/- per month and the petitioner has claimed Rs. 20,000/- per month for herself and Rs. 5000/- each for her two children (Total Rs. 30,000/- per month) as interim maintenance.

(Contd.....)

Section 125 code of criminal procedure deals with the maintenance of wife, children and parents. It states that if a person has sufficient means but neglects or refuses to maintain his wife, children, father and mother, Court can order him to pay monthly allowance towards maintenance of the above mentioned persons.

Perused the pleadings, documents and Assets & Liabilities statement of the petitioner. Since the case is fixed for exparte hearing, the contentions of the petitioner remains uncontroverted. As such, the instant application for interim maintenance filed by the petitioner is hereby allowed exparte.

Now so far quantum of maintenance allowance is concerned, such allowance should be fixed considering the status, and needs of the petitioner and also regard being had to the status of the opposite party. In my view allowance should not be such an amount which would be penurious to opposite party and luxurious to petitioner.

As regards determination of the amount this court thinks that in the background of her husband's income as pleaded in the application and considering the basic requirements of the petitioner an amount of Rs 5,000/- per month for herself and Rs. 2500/- each for her two children (Total Rs. 10,000/-) may be awarded so that she can mitigate the necessity of her attempt to survive and to continue with the litigation for achieving final objective concerning her prayer for granting monthly maintenance under Section 125 of the Code of Criminal Procedure.

Hence, it is

ORDERED

that the prayer of the petitioner for interim maintenance is hereby allowed exparte.

The opposite party is directed to pay to the petitioner an amount of Rs 10,000/- per month as interim maintenance allowance from the date of this order. The opposite party is further directed to pay to the petitioner the ordered amount on 10th day of each succeeding English Calender Month.

To 03/03/2025 for exparte hearing. (Evidence of PW 1)

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

Dict. & Corrected by me,

Sd/-

J.M, Nabadwip, Nadia.

Order dated 19/04/2025

Today is fixed for exparte argument.

Petitioner is present today before the Court.

Heard the petitioner.

The record is taken up for passing order.

This is an application u/s 125 of the Cr.P.C. By the present application the petitioner has prayed for direction upon O.P to pay a total amount of Rs. 30,000/- per month as maintenance allowance.

Brief fact of the petitioner's case is that she was married to the OP on 11/08/2014 as per Muslim rites and customs. At the time of her marriage, the father of the petitioner gave Rs. 90,000/- cash, several gold ornaments and other household furniture. After marriage, the petitioner went to her matrimonial house and started her conjugal life. But since after marriage, the O.P and his family members started inflicting physical and mental torture upon the petitioner in demand of more money. Out of the said wedlock, the petitioner gave birth to a daughter, namely, Mariya Khatun who is presently aged about 7 years. But the torture upon the petitioner increased as she gave birth to a female child. The O.P also tried to kill the petitioner by putting fire upon her. Thereafter, the petitioner gave birth to a male child, namely, Asmaul who is presently aged about 4 years. But the torture upon the petitioner continued. Then in the year 2018, the O.P and his family members inflicted physical and mental torture upon the petitioner and drove her away from her matrimonial house in single clothing along with her two children. Thereafter, the petitioner had filed a domestic violence case being Nabadwip P.S Case No. 46/2019 dated 02/02/2019. Then, the O.P and his family members brought the petitioner back to her matrimonial house. But the O.P again inflicted physical and mental torture upon the petitioner and also refused to give any food to the petitioner. On 06/05/2022 when the petitioner asked the O.P to bring some household articles for their daily needs, but the O.P refused to give any money and also inflicted physical torture upon the petitioner. Thereafter, the O.P drove her away from her matrimonial house along with her two children in single clothing and finding no other alternative, the petitioner took shelter in her parental home. The petitioner again lodged a complaint being Nabadwip P.S Case No. 401/22 dated 05/09/2022 against the O.P. She claimed that since then, the OP did not any maintenance to herself and her children. According to the petitioner, the O.P is a mason by profession and earns around Rs. 50,000/- to 60,000/- per month while the petitioner herself is unemployed. Therefore, the petitioner had prayed for Rs. 30,000/- per month for herself and her two children as maintenance allowance.

(Contd....)

MR 65/22

The O.P had failed to take any step on several dates and as such the case was fixed for ex parte hearing.

To prove her case the petitioner Rexona Bibi deposed as P.W 1.

Perused the record and the other materials contained therein.

PW 1 has stated that she is married to the O.P and such statement of her has remain uncontroverted. Further, the petitioner has also stated that her husband i.e the O.P is a labour contractor and earns Rs. 50,000/- to 60,000/- per month and the O.P having failed to deny such statement of the petitioner, the oral testimony of PW 1 remains uncontroverted. On considering both the petition praying for maintenance and the evidence on record it is clear that the petitioner is the legally married wife of the O.P and the O.P has failed or neglected to maintain her. That the petitioner has no income of her own and as such I find it just and proper to allow the petition of maintenance ex parte against the O.P. Considering the income of the O.P the petitioner is entitled to get a sum **of Rs. 10,000/-** per month for herself and **Rs. 5000/- each** for her two children as maintenance allowance.

Hence, it is

ORDERED

That the O.P is directed to pay a sum of Rs. 20,000/- (Rupees Twenty Thousand only) for herself and her two children as maintenance allowance starting from the date of this order and which shall be paid to the petitioner within the 10th day of each succeeding month.

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

D/C by me

**Sd/-
J.M Nabadwip, Nadia**

**Sd/-
J.M Nabadwip, Nadia**