

INTERIM ORDER
MR Case No.199 of 2017
CIS Reg. 872067/2017

Dated : 01.08.2019

Both parties have filed their respective haziras.

On behalf of the respondents, a time petition has been filed to file their show cause.

Considered. Allowed as last Chance.

Since long the case is pending for hearing the petition for interim relief.

Today I am inclined to hear the same.

I have heard the Ld. Advocates and perused the petition u/s 23 of the DV Act.

Perused the DIR.

Considered.

Let the record be taken up for considering the petition for interim relief under the PWDV Act.

The petitioner Manuyara Bibi has prayed for an order of maintenance of Rs 1000/- per month for herself and Rs. 4,000/- each for their minor son namely Juel Mondan and daughter Sabnur Mondal from the respondent No 1, Bablu Mondal.

The petitioner's case is that she is the legally married wife of the respondent No.1. They got married 11 year ago as per Muslim rites and rituals. After marriage, she went to her matrimonial house along with stridhan articles and cash of Rs. 80,000/-. Since the inception of their marriage, respondents started to torture her both physically and mentally at her matrimonial home on demand of dowry. Often respondent No 1 left the petitioner and her children at her parent's house on the ground that he will work outside. After a long gap on 10.03.2017, she went to her matrimonial house along with her children, but they drove them out.

Contd.....

Since then she is residing along with her children at her parent's house in a hapless condition. Thereafter she has lodged a case u/s 498A IPC against the respondents. Petitioner has no source of income. The respondent No. 1 is a physically fit and mentally alert person, and is an experienced "Marbel Labour", having agricultural property near about 5-7 bighas, a pacca house, two shop rooms with a furniture business out of which he earns Rs. 40,000- Rs. 50,000/- per month.

In their verbal objection, except the fact of marriage and two children, respondents have denied each and every allegations.

Considered. Perused the DIR.

At this moment, as no evidence has been placed by both the parties herein, the court will only pass the order on the basis of their statement.

I found that the fact of marriage has been admitted and at present his wife i.e the petitioner, their two school going minor children are staying at her parent's house. She is not getting maintenance in any other case. The object of this Act, is to stop all sort of domestic violence to the aggrieved persons, to provide them some monetary relief and also to secure protection for a peaceful life. It becomes the bounden duty on the part of the respondent No.1 to maintain his wife and children.

Considering the status of the parties and the facts and circumstances of this case, I am of the opinion that an order of interim monetary relief of Rs.2000/- each per month for the petitioner and for their two children (in total Rs. 6,000/-) would be fit and proper.

Contd.....

Hence, it is

ORDERED

That the petition for interim relief is disposed off and is allowed on contest in favour of the petitioner.

The petitioner do get an order of interim monetary relief of Rs.6,000/- in total per month for the petitioner and for their two children to be paid by the respondent No.1 from the from the month of August, 2019 to till the passing of the final order in this case.

The respondent No. 1 is to pay the said sum of money month by month according to English calendar month within the 10th of every month for the previous month falling due.

In default of compliance of this order the petitioner shall be at liberty to apply to this Court to execute the order.

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

Fix...07.11.2019....for filing show cause by the respondents and for payment I/D exparte evidence of PW1.

D/C by me.

Sd/-
JM

Sd/- Arpita Ghosh
Judicial Magistrate
Tehatta, Nadia