

MR Case No.100 of 2024

INTERIM ORDER

Order Dated:26.11.2025

This day is fixed for interim hearing.

The record is taken up for passing order.

At the time of hearing both the respective Ld. Advocates have submitted their contentions as per their respective written petition and written statement.

Ld. Advocate for the OP has admitted the marriage, birth of child and his service. But he has denied the alleged fact of driven out of the petitioner which has been mentioned in the petition as on 11.03.2024 at 6:00 a.m. To support his contention the Ld. Advocate has referred some medical documents as specially the discharge summery wherein the date of admission has been mentioned as 04.03.2024 at 3:14 p.m. and discharged on 11.03.2024 at 4:04 p.m. It is argued that it is not possible for a person to drive out his wife while he was admitted in the hospital.

Heard both sides. Perused the record, petition and other materials. Considered.

On perusal of the record, this Court, prima facie, gives weightage to the submission made by the Ld. Advocate for the OP, particularly in respect of the alleged fact of driven out.

In a very recent case, The Hon'ble Calcutta High Court in the case Rinki Chakraborty Nee Das Vs. The State of WB & anr. (decided on 12.09.2025) has observed, amongst many other things, that the husband is duty bound to provide maintenance to his wife.

Marriage between the parties has not been disputed, and separate staying is also admitted. No argument as to the fact of separate staying has been agitated by the Ld. Advocate for the OP.

Therefore, on the basis of the decision of the Hon'ble Court, considering the beneficial aspect of the legislation, and the fact of separate staying, this Court is of the opinion to pass the order in the following manner:

- i. that the interim maintenance is granted on contest.
- ii. Petitioner namely Dona Biswas is entitled to get interim maintenance of Rs.2,000/- (two thousand) per month, **with effect from the date of order**, from the O.P.
- iii. The OP shall make payment of Rs.2,000/-(two thousands) as interim maintenance for his son **with effect from the date of application**. The arrear amount and the monthly payment to be made to the petitioner as the child is staying with his mother.
- iv. The O.P. is directed to pay Rs.4,000/- (Four Thousand) per month to the petitioner within 10th day of each succeeding month for which it becomes payable and dues, failing which the petitioner is at liberty to take the recourse of law.
- v. The prayer for interim maintenance is thus disposed off on contest.

Fix for evidence.

D/C by me,

Sd/-M. Hossain

Sd/- M. Hossain

Judicial Magistrate,

Tehatta, Nadia.

Judicial Magistrate,

Tehatta, Nadia.