

IN THE COURT OF Ld. JUDICIAL MAGISTRATE, TEHATTA, NADIA
INTERIM ORDER

Misc. Criminal Case No.171 of 2019

Present: O.T. Lepcha

Dated : 09-11-2021

Petitioner in this case, through her Ld. Advocate, seeks interim maintenance from the OP to the tune of Rs.10,000/- per month for the maintenance of the petitioner by moving petition u/S. 23 of D.V. Act.

It is the case of the petitioner that on 20th Asar,1418 BS, she entered into marriage with the OP as per muslim saria. The petitioner started residing at her matrimonial home. A girl child was born out of the said marriage. However, the OP started torturing the petitioner mentally and physically at her matrimonial home. On 01-10-2019, the OP and his family members by assaulting the petitioner drove her away from her matrimonial home along with her minor child. She then took refuge at her parental home. The petitioner has also lodged an FIR against the OP's before Korimpur PS which was registered as Korimpur PS case No. 222/19 dt. 22-10-2019. It is the further case of the petitioner that the OP never discharge his obligation as husband and never looked after her. It is her case that she is unemployed and that at present she is finding hard to make both ends meet. She is unable to maintain herself and her minor child. It is the case of the petitioner that OP no.1 has business and landed properties where from he earns Rs.40,000/- per month. She claims the amount of the Rs. 10,000/- for her maintenance per month as interim maintenance from OP no. 1.

I have heard the Ld. Advocate for the petitioner. I have also perused and considered the petitioner u/s 23 of the DV Act.

After having given thoughtful consideration of the case presented before me, I prime facie find that petitioner has been married to the OP and that she is at her

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parental home. Duty is cast upon the OP to look after the petitioner irrespective of his financial capability. His wife is residing separately and that she is being neglected at this stage. Considering the above circumstances, I am inclined to allow the present petition.

Accordingly, it is

Ordered

that the prayer for interim maintenance is hereby accepted.

Taking note of the rising prices of the commodities of the daily use , I find that for meeting the basic need of daily requirement, Rs. 5,000/- (Five thousand) , in my considered view would be proper amount as interim maintenance recoverable from the OP towards maintenance of the petitioner.

This Court directs the OP to pay the said amount to the petitioner as interim maintenance by 15th of each succeeding month from the date of the this order failing which petitioner is at liberty to put the order into execution.

Opposite parties appear and pray for time to file show cause. Prayer is allowed.

Fix _____ for filing show cause by the opposite parties.

Dicated and corrected by me

Sd/- O. T. Lepcha

Judicial Magistrate,

Tehatta, Nadia

Sd/- O. T. Lepcha

Judicial Magistrate,

Tehatta, Nadia