

**IN THE COURT OF Ld. JUDICIAL MAGISTRATE, TEHATTA, NADIA**

**Present: Bedashruti Mallik, WBJS**

**MR Case No. 123 of 2023**

**INTERIM ORDER**

Order Dated:24.07.2024

Today is fixed for filing show cause and interim hearing as last chance id necessary order.

Both the parties file hazira. OP files his SC. Interim hearing is done.

At this stage the case record is taken up for passing interim order for maintenance in respect of petition filed by the petitioner namely **Susmita Mondal** U/S 125 of CrPC for interim maintenance. The petitioner by filing this interim maintenance petition has claimed maintenance for her minor daughter.

The case of the petitioner in brief is that petitioner is a legally married wife of the O.P. The marriage between petitioner and the O.P. was solemnized on 07.11.2017 as per Hindu rites and customs. At the time of marriage, the father of the petitioner paid cash of Rs. 5,50,000/-, various gold ornaments, furniture and other valuable articles, as per the demand of the OP and his family members. Thereafter the petitioner went to her matrimonial house with the OP and started living their conjugal life. The further case of the petitioner is that soon after the marriage, in the matrimonial home the O.P. and other in laws started to inflict torture both physically and mentally upon the petitioner for more dowry demands. When the petitioner expressed the incapability of her father to fulfill such demands, the torture upon the petitioner further intensified. When the petitioner conceived, the OP and his family members still persecuted her. The OP also had illicit affair with his sister in law (Jaa). The OP often assaulted the petitioner in a drunken state. Finally On 05.03.2023 the OP and his family members brutally assaulted the petitioner and drove her out of the said house in a single apparel along with her minor daughter. The petitioner was compelled to take shelter at her paternal house. The petitioner since then has been residing at her paternal house with great hardships. She had also filed one criminal case the OP and his family members before Tehatta PS. The further case is that the petitioner has got no source of income and is living fully on the mercy of her father. The OP never took their information or paid any maintenance towards her or her child. On the contrary the O.P. is an able-bodied person, owns a pucca house, 15-16 bighas of landed properties, two four wheelers, two rollers, shallow machine and one motor-cycle. In total, he earns Rs. 1,50,000/- per month. Thus, the petitioner has prayed for interim maintenance of Rs.20,000/- per mensem for herself and Rs. 10,000/- per mensem for her daughter from the OP.

The opposite party appears before this court and filed written objection against the application for interim maintenance allowance and denied and disputed each and every fact stated therein. The OP contends that from the very inception of their marriage, the petitioner was unable to cope up at her matrimonial house and also misbehaved with her in-laws, refused to perform any household chores. On 03.03.2023, she voluntarily left her matrimonial house along with her mother and daughter, and refused to come back ever since, despite much efforts on part of the OP. The OP later had also filed one case u/s. 97, CrPC before SDO Court to get back his wife, but the petitioner is unwilling.

The OP also states that he is a day labour and earns Rs. 2500-3000/- per month. On the contrary, the petitioner earns Rs. 8-10,000/- per month by providing private tuitions. Therefore, in the above circumstances the opposite party prays for rejecting the prayer of interim maintenance allowance by the petitioner.

I have heard both the parties and perused all the documents and affidavit of assets and liabilities filed by them. After hearing both the sides I have carefully gone through the instant petition, the documents filed by the parties, and other materials on record. This is the interim stage and this Court is not in a position to determine the merit of the case without having any cogent and substantive evidence. As no substantive evidence has come out yet this Court is only to rely on the materials on record as it is S.125 of Cr.P.C is outcome of socio-economic legislation. The merits and demerits of the case will be

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looked into at the time of evidence.

Considering the present hike of essential commodities and considering the avocation of life of the O.P, I am of the opinion that the petitioner is entitled to get Rs.2000/- per month for herself and Rs. 1,000/- per month for minor child as interim maintenance.

Hence it is

**ORDERED**

That the petition filed by the petitioner U/S 125 of Cr.P.C. for interim maintenance is allowed in part on contest against the O.P. Petitioner is entitled to get interim maintenance of 3,000/- per month from the O.P for herself and her minor child. Thus, the O.P. is directed to pay **3000/- (Three Thousand) per month** for the interim maintenance of the petitioner within 15<sup>th</sup> day of each succeeding month for which it becomes payable and dues, failing which the petitioner is at liberty to file for execution against the OP. The order is effected from the date of filing of the instant petition, i.e. 21.07.2023.

As written objection in respect of the main petition is already filed by the O.P,

Fix for evidence.

D/C by me,

Sd/- B. Mallik

Judicial Magistrate,

Tehatta, Nadia

Sd/- B. Mallik

Judicial Magistrate,

Tehatta, Nadia