

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

Present: Bedashruti Mallik, WBSJ

MR Case No. 145 of 2023

INTERIM ORDER

Order Dated: 27.06.2024

Today is fixed for filing show cause as last chance i/d necessary order.

Both the parties file hazira. OP files his show cause along with his affidavit of assets and liabilities. 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 **Rupali Dutta Pramanick** U/S 125 of CrPC for interim maintenance. The petitioner by filing this interim maintenance petition has claimed maintenance for herself and her minor son.

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 12.03.2011 as per Hindu rites and customs. At the time of marriage, the father of the petitioner paid cash of Rs. 1,50,000/-, 5-6 *bhoris* of gold ornaments, 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. A daughter was also born out of the said wedlock namely Anushka Dutta, aged about 10 years at the time of filing. The further case of the petitioner is that soon after the marriage, the O.P. and his family members 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. While the OP was away in Katwa since the last two years prior to filing of this case, the other in laws of the petitioner tried to strangulate her to a window and tried setting her on fire by pouring kerosene over her body. She was rescued by the local people. Finally on 11.03.2022 the OP and his family members brutally assaulted the petitioner. She was rescued by the local people. Later the OP and his family members 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, and has been residing therein ever since with great hardships. 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. On the contrary the O.P. is an able-bodied person, owns a pucca house, and owns a grocery store, and in total, he earns Rs. 40-45,000/- per month. Thus, the petitioner has prayed for interim maintenance of Rs.10,000/- per mensem for herself and Rs. 5,000/- 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. She had an illicit affair as well, and chatted with her suitor till late night. She used to frequent her paternal house without any intimation. Finally she voluntarily left her matrimonial house along with her minor daughter and went to her paternal house. The OP tried fetching her several times, but in vain. The OP is still willing to reside with her.

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The OP also states that he is a day labour and earns RS. 250-300 per day. The father of the OP is also dependent upon him. On the contrary, father of the petitioner is a well-to do man. Petitioner herself earns Rs. 5000/- per month as a seamstress, and gets Rs. 1000/- in her account as "Lakshmir Bhandar". 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 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/- for herself and Rs. 1000/- for her daughter per month 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 Rs.2000/- for herself and Rs. 1000/- for her daughter per month from the OP. Thus, the O.P. is directed to pay **3,000/- (Three Thousand) per month** for the interim maintenance of the petitioner within 15th 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. 24.08.2023.

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.