

**Case Misc 39 of 2023**  
**T.R-16/2023**

**Paromita Biswas.....Petitioner**

**Vs**

**Amit Biswas.....O.P / Respondent**

**Order Dated: 26-12-2024:-**

Today is fixed for passing order of interim maintenance petition.

O.P has filed his hazira along with his affidavits.

Petitioner is present through her Ld. Lawyer.

Now the record is taken up for passing order of interim maintenance petition.

This petition is filed by the Petitioner/ wife against the O.P/husband for the grant of interim maintenance allowance for the petitioner.

OP/husband contested the said application of interim maintenance by filing written objection dated 02-11-2023.

Seen the petition, the written objection thereof.

The parties are, as reflected from their respective pleading as well as from the submission of their Ld Advocates, are a married couple on 26-07-2010, they got married according to Hindu rites and customs and the marriage was duly registered on 09-12-2013. The marriage of the present parties were consummated and the petitioner started living with the O.P at her matrimonial home. Out of their said wedlock one female child was born on 01-10-2014. Further unanimity is reflected, the petitioner was subjected to torture for various pretext. Lastly on 06-07-2020, the O.P assaulted the petitioner and drove her out from his house by snatching her female child. Since that day she has been staying at her father's house and passing her days in a very distress condition.

**Contd....P/2**

The further case of the petitioner is that the O.P is a school teacher and gets salary of Rs.80,000/- per month and the petitioner has no source of income. Therefore the petitioner prayed for interim maintenance of Rs.20,000/- per month for the petitioner from the O.P.

The O.P.'s case, as reflected from the written objection, is that marriage and daughter are undisputed. As regards the income of the O.P, the O.P has stated that his declaration of assets and liabilities, he has mentioned that his net income is Rs.78,130/- per month. The O.P has never neglected to maintain the petitioner and still willing to live with the petitioner, as such +she is not entitled to get any interim maintenance from O.P.

Having gone through the petition and the written objection and after hearing the submissions of the Ld. Advocates of the parties I find that here in this case it is undisputed that the petitioner is the wife of the Opposite Party. It is also admitted that the petitioner has been living separately. The dispute is regarding the income of the O.P, which cannot be decided without holding trial. However, I find the O.P as an able bodied person cannot deny maintenance to his legally married wife wherein his income is also in admitted position. So I have no hesitation to hold at this stage that the O.P has sufficient means/income to maintain his wife. So, the O.P is bound by the law to maintain his wife. Therefore, I am of the considered view that as the relationship between the parties is admitted, for the survival of the petitioner, she should get interim maintenance allowance for herself from the O.P.

**I find that an interim maintenance of Rs. 7,000/- (Seven Thousand) per month for herself until further order from the date of this Order, would be reasonable and rational and not unjustified on the part of the Opposite party.**

**Contd....P/3**

Hence, it is

**ORDERED**

that the interim maintenance petition filed by the petitioner/ wife against the O.P/ husband is **allowed on contest, but without any order as to costs.**

The petitioner do get an interim maintenance ***allowance of Rs. 7,000/- per month for herself from the O.P from the date of this Order.***

The O.P/ husband is hereby directed to pay the said allowance being ***allowance of Rs. 7,000/- for herself*** to the petitioner per month according to English calendar by the **first week of every month.**

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

**Fix 03-04-2025 for evidence & payment.**

***Judicial Magistrate  
2<sup>nd</sup> Court Ranaghat***