

Misc case no. 25 of 2025

WB J.O Code – WB 01342

CNR No. WBND13-000498-2025

Order dated 10.06.2026

Today is fixed for passing of order.

Both the parties are represented by their respective hazira.

Now let the petition for interim maintenance be taken up for passing of order.

The petition is heard in full.

Perused the instant petition for interim maintenance, WO, the affidavits on assets and liabilities and other materials on record.

The allegation of the petitioner is that she is neglected by the OP and even she alongwith her minor daughter was driven out from her matrimonial home after being subjected to continuous torture by the OP and her in laws for various demands. It is the assertion of the petitioner that the OP is a School Teacher at Muragaccha Swami Narottama Nanda Vidyamandir (H.S) School, and he has landed properties from which he earns more than Rs 90,000/- per month where as the petitioner has no income and she is living at distress with her daughter. The petitioner has prayed for Rs. 20,000/- per month from the OP as her maintenance and Rs. 25000/- per month from the OP as the maintenance of her daughter.

Denying all the allegations of the petitioner, the Ld. Counsel for the opposite party has contended that the vindictive whimsical petitioner has left her matrimonial home voluntarily however the opposite party is willing to resume his conjugal life with the petitioner. It is his further submission that the petitioner is living an adulterous life apart from the union of her husband, not only that she has her own income. It is contended that the O.P receives a salary of Rs. 97,740/- per month from his present job and he has dependents and other financial liabilities. However, the marriage is admitted by the O.P. The paternity of the child is also not denied by the OP. From the submission of both sides , it also emanates that the female child is presently aged about 13 years and she is reading in class VIII in a popular Private School at Ranaghat.

In view of the materials on record at this initial stage, I am to say that the legislative intent behind enacting the provision u/s 144 BNSS is to provide basic subsistence to the aggrieved who is unable to maintain himself or herself.

In the present case the petitioner is admittedly the married wife of the OP. Whether the petitioner has voluntarily left the union of the OP or not and or she was driven out by the OP or not are matter of trial. This court cannot ascertain the same without appreciating any evidence. Any remarks to this effect would be prejudging of the merit of this case. Furthermore, their child is at a very vulnerable stage of development all in terms of education, mental,

health and environmental well being. So, the child must not be deprived from being growing up well amid the family feud between her parents.

Considering the service of the OP, the age of the child and her need for development, and the declaration of both sides on their assets and liabilities, I am of the view that none will be prejudiced if the OP is directed to pay Rs. **5,000/-** per month to the petitioner for herself and Rs. **20,000/-** per month to the female child towards their maintenance till disposal of this case .

Hence, it is,

ORDERED

that the application for interim maintenance under section 144BNSS is considered and allowed in part on contest without any order as to costs.

The petitioner is entitled to get an amount of **Rs. 25,000/- per month** in total for the petitioner and female child for interim maintenance from the opposite party from the date of filing of this case till disposal of the case.

The opposite party is directed to make payment of **Rs. 25,000/- per month to the petitioner** within the every 10th day of every succeeding English calendar month, failing which the petitioner would be at liberty to execute the order so passed.

A free copy of this order be given to the petitioner.

The interim maintenance allowance if any paid in other cases shall be adjusted from this day onwards according to the higher amount of allowance.

The petition for interim maintenance is thus disposed of on contest.

Fix **10.07.2026** for evidence.

Dictated and Corrected by me,

Sd./-
Judicial Magistrate, 3rd Court,
Ranaghat, Nadia .

Sd/-
Judicial Magistrate, 3rd Court,
Ranaghat, Nadia .