

**Present: SMT. RITWIK MOHANTA, JUDICIAL MAGISTRATE
3rd COURT, RANAGHAT, NADIA**

Misc. Case- 345 of 2025
J.O Code-WB01342

CNR No. WBND13-005936-2025

Order dated 05.06.2026

Today is fixed for passing of final order.

Petitioner is present.

Heard, perused, considered.

The case record is taken up for passing order.

This case is filed by the petitioner u/s 144 B.N.S.S. against the opposite party for maintenance for the petitioner herself and her male child.

Perused the petitioner's petition u/s 144 B.N.S.S., the evidence adduced by the petitioner and other materials on record.

Shoring up the details of the petitioner's case, the brief fact of her case is that the petitioner is the wife of the opposite party. The petitioner got married with the opposite party on 05.12.2018 according to Hindu Rites and Customs with several articles as demanded by the opposite party and his family members. After marriage, the petitioner went to her husband's house and started living as husband and wife. The opposite party and his family members started inflicting torture upon the petitioner physically and mentally on her failure to fulfill their further demand of money. The torture reached to an unbearable limits after birth of her male child. Finally, on 10.06.2022, the petitioner alongwith the child was driven out from her matrimonial home in a single attire after being assaulted mercilessly. The opposite party is an able bodied person and earning Rs. 30,000/- (Rupees thirty thousand only) per month by pulling toto and several landed properties but the opposite party never paid a single farthing towards the maintenance of the petitioner and her male child. The petitioner has no income. The petitioner prayed for Rs. 15,000/- per month for herself and Rs. 5,000/- per month for her male child from the opposite party as maintenance.

The opposite party has never appeared to contest the case in spite of due service of summons upon him. Subsequently, the case was heard ex-parte due to his non-prosecution.

In order to prove her case, the petitioner examined herself as PW1.

The testimonial of PW 1 supported the case of her petition by stating inter alia that, she is the legally married wife of the opposite party. The PW1 has also stated in her deposition that after marriage the opposite party started inflicting torture upon the petitioner physically and mentally. From the unchallenged and non-confronted evidence of the petitioner, I find nothing in the application or in the deposition of the petitioner to disbelieve the petitioner.

Though the declaration of assets and liabilities on affidavit of the petitioner shows the present expenses incurred by the petitioner to maintain herself and her daughter as well as the monthly income of the opposite party and she has claimed that the opposite party is earning Rs. 30,000/- per month from his present work, but not a single scrap of paper is filed by the petitioner to prove the income of the opposite party.

In view of the present economic condition of our country, any able-bodied person can earn Rs. 9,000-10,000/- per month by working as a day laborer, under private concern or under various Govt. scheme. In the present case it is apparent that the OP is a young, able-bodied person and it emanates from the unchallenged case record that the OP is earning Rs.30,000/- per month at present. Even for argument sake I consider that the OP is earning not that much but his present age and absence of his any physical deformity or infirmity tends to infer that he is capable of earning at least Rs.20,000/- per month. It is also not an avoidable fact that the male child is aged about 6 years and he is in need of special care in terms of medication , education and nutritional well being.

Considering the legislative intent to provide the basic subsistence allowance to the wife and the well being of the child as well as the material documents on record, I am inclined to allow the instant petition and none will be prejudiced if the opposite party be directed to pay **Rs. 2,000/- (Rupees two thousand only) per month for the petitioner herself** and **Rs. 5,000/- (Rupees five thousand only) per month for her male child** towards their maintenance.

Hence, it is,

ORDERED

that the application U/S 144 B.N.S.S. be and the same is hereby allowed exparte without any order as to costs though in part.

The petitioner Mousumi Nandi Singh is entitled to get Rs. 2,000/- (Rupees two thousand only) per month for the petitioner herself and Rs. 5,000/- (Rupees five thousand only) per month for her male child till attaining majority[in total Rs. 7,000/- (Rupees seven thousand only) per month] as their maintenance from the opposite party from the date of filing of this case, i.e., 01.07.2025.

The opposite party is directed to pay the above-said amount to the petitioner within 10th day of each succeeding English calender month from the date of filing of this case, i.e., 01.07.2025 in default, the petitioner is at liberty to put the same in execution before the concerned Court.

The case is hereby disposed off.

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

Note in the relevant register.

Dictated and Corrected by me,

Sd./-
(SMT. RITWIKA MOHANTA)
Judicial Magistrate, 3rd Court,
Sadar, Cooch Behar

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