

Case Misc 386 of 2021
T.R-413/2021

Parul Das.....Petitioner

Vs

Avijit Das @ Avil.....O.P / Respondent

Order Dated: 28-12-2023:-

Today is fixed for passing order of interim maintenance petition.

Both parties have filed their hazira and affidavits regarding assets and liabilities.

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 13-09-2022.

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 and on 15-01-2013, they got married according to Hindu rites and customs. At the time of marriage cash of Rs.40,000/-, gift items worth of Rs.3 lakhs, gold ornaments, furnitures and other other gift items were given as per the demand of the O.P. After their marriage, the petitioner started leading her conjugal life with the O.P. Further unanimity is reflected, the petitioner was subjected to physical and mental torture by the O.P. and his family members. Lastly on the day of 'durga saptami' of 2013, the O.P and his family members assaulted the petitioner and drove her out from their house snatching away all her 'stridhan' properties. Since that day she has been staying at her father's house and passing her days in a very distress condition.

The further case of the petitioner is that the O.P has his own business and earns of Rs.35,000/- per month. That apart he has his own home and landed property at Talpukurpar, Ranaghat. Therefore the petitioner prayed for interim maintenance of Rs.15,000/ per month for the petitioner from the O.P.

The O.P.'s case, as reflected from the written objection, is that marriage is disputed and denied. There are many cases pending between the parties. As regards the income of the O.P, the O.P has stated that he works in kolkata as rythim assistant and earns Rs. 150/- per day.

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 the O.P has denied marriage with the petitioner. The dispute is regarding alleged marriage cannot be decided without holding trial. Therefore, I am of the considered view that as the relationship between the parties is challenged, she is not entitled to interim maintenance allowance for herself and for her son from the O.P.

Hence, it is

O R D E R E D

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

Fix 01-03-2024 for evidence.

*Judicial Magistrate
2nd Court Ranaghat*