

**Case Misc 411 of 2022**

**T.R-186/2022**

***Jayeeta Biswas Roy.....Petitioner***

**Vs**

***Mintu Biswas.....O.P / Respondent***

**Order Dated: 17-01-2024:-**

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 27-02-2023.

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 and on 05-03-2021, they got married according to Hindu rites and customs. At the time of marriage gold ornaments, furnitures, utensils and 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. Before marriage O.P's father told to petitioner that O.P works in Forest Department as Sub-inspector and gets Rs.40,000/- per month. Subsequently on 30-09-2021 the petitioner asked to put her signature on a blank paper as such she had signed on that paper. Thereafter the petitioner compelled to leave her matrimonial house. 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 earns of Rs.40,000/- per month and he has his plot of land and house. Therefore the petitioner prayed for interim maintenance of Rs.10,000/ 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. As regards the income of the O.P, the O.P has stated that he is unemployed and he has no income.

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 marriage is admitted. The dispute is regard to income of the O.P which cannot be decided at the full flagged trial moreover, the O.P in his declaration of assets and liabilities he mentioned he is a day labour and he earns Rs.3000-4000/- per month. Since the relationship has already been admitted by both the parties I am of the view that the O.P is under obligation to maintain his legally waded wife. Therefore, I am of the considered view that as the relationship between the parties is admitted, she is entitled to interim maintenance allowance for herself from the O.P.

**I find that an interim maintenance of Rs. 2,000/- (Two Thousand) per month for herself until further order from the date of filing of this case, would be reasonable and rational and not unjustified on the part of the Opposite party.**

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. 2,000/- per month for herself from the O.P from the date of filing of this case.**

The O.P./ husband is hereby directed to pay the said allowance being **allowance of Rs. 2,000/- 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 08-03-2024 for evidence & payment.**

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