

M. Case No. 05 of 2025

Interim Matter

Order Dated 06/11/2025

Today is fixed for passing interim order in respect of the application for interim maintenance dated 30/11/2022 filed by the petitioner, namely, Neha Jhunjhunwala, u/s 144 of the BNSS.

The petitioner by filing this interim maintenance petition has claimed maintenance for herself from the OP, being her husband. The case of the petitioner in brief is that the petitioner is a legally married wife of the O.P, namely, Anant Agarwal. The marriage between petitioner and the O.P. took place on 25/01/2019 according to Hindu rites and customs. At the time of marriage, the petitioner's father gave valuable articles and gold ornaments. After their marriage the petitioner and the O.P started leading their conjugal life at her matrimonial home. She further stated that during her stay at her in-law's house, the OP used to pressurize her to adopt to his lavish lifestyle which was against her will otherwise she had to face physical and mental torture from the OP. The petitioner further stated that the OP also pressurized her agree to sign on some business-related papers against her will. The petitioner also stated that the OP and his family were well aware of the fact that the OP is incapable to perform any physical relation with her but still the OP married her which caused mental stress and anxiety to the petitioner as a result of having no issue. On 14-03-2023 the OP left his house permanently at midnight and since then he never took responsibility of her. The petitioner could not tolerate the neglect, cruelty and desertion of the OP anymore. The petitioner stated that the OP has been neglecting her by depriving any sort of maintenance. The petitioner is unemployed and is running her day to day expenses with the help of her brother and other family members, whereas the OP is an owner of a clinical research pathology lab, Kolkata, also earning as nutritionists and is earning Rs.20,50,000/-per month. She prayed for interim maintenance to the tune of Rs.1,00,000/- per month for herself.

In support of her contention the petitioner has submitted the assets and liabilities and other relevant documents.

The OP made his appearance and objected to the contentions of the petitioner by filing his written objection and denied and disputed all the allegations raised by the petitioner against him. The OP contended that the petitioner forced him to incur high expenses and he was under mental pressure and stress due to the acts of the petitioner. It is also the contention of the O.P that rather it was him who was berated and belittle and put under immense mental pressure by the petitioner and the petitioner has filed this case just to harass the O.P. However, in his show cause the OP did not mention anything about his monthly income but stated that he is paying E.M.I of ₹83047 for the property. In his affidavit of assets and liabilities, the OP stated that his Net income per month is ₹2,00,000/-. The OP further stated that some of his financial liabilities in his affidavit. The OP prayed for dismissal of the matter.

On the last occasion both the sides were heard at length.

The marriage between the parties is not disputed by the O.P. It is a solitary principle of law that every husband is bound to maintain his wife and children. When a person entered into a bonding of marriage then it is presumed that he is willfully accepted the liability of maintaining of his wife and children (if any). Besides, the O.P has not been able to Prima facie show the criteria as laid down under section 144(4) of Cr.P.C.

Moreover, I further hold that it is incumbent and it is also the social and legal responsibility of the able-bodied person to maintain his married wife and minor children. Here in this case the applicant/petitioner was not maintained by the O.P./respondent. This is an interim stage and it is needless to say that at this moment this Court has no other alternative but to rely upon contentions of both the parties as it comes now in the hands of this Court. So, considering the above stated facts and circumstances, I am inclined to hold that this is a fit case for allowing monthly maintenance towards monetary relief in form of interim maintenance. Considering the socio-economic strata of the OP/husband and his net income to the tune of ₹2,00,000/- p.m as admitted by him,

while in regard to the other source of income of the O.P the petitioner not being able to prima facie substantiate the same, thus, the applicant/petitioner is entitled to get a monthly interim maintenance of ₹70000/- per month for herself as maintenance. This court is also inclined to hold that this amount is sufficient for their maintenance as per their status, situation and social condition.

Hence, it is

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that the instant interim petition is allowed on contest in part.

The petitioner does get an interim order U/S 125, CrPC towards monthly maintenance allowance to the tune of ₹ 70000/- per month from the O.P from the date of filing of the instant application.

The O.P./respondent is directed to make payment of ₹70000/- per month to the petitioner towards maintenance allowance within the every 10th day of every succeeding English month, failing which the petitioner would be at liberty to execute the order so passed.

This order will take effect for date of filing of the instant application.

Let the copy of this order be handed over to the petitioner free of cost.

To 04/03/2026 evidence of the petitioner.

ACJM/Bidhannagar/North 24 Parganas