

M. Case No. 19 of 2024

Interim Order

Order Dated 24/11/2025

Today is fixed for passing interim order in respect of the application for interim maintenance dated 12/08/2024 filed by the petitioner, namely, Smt Urvashi Datta, u/s 144 of the BNSS.

The case of the petitioner in brief is that the petitioner is a legally married wife of the O.P, namely, Sri Pundrick Baghel. The marriage between petitioner and the O.P. took place on 31/01/2013 according to Hindu rites and customs. Then she gave birth to her daughter and in the year 2017 they went to the USA where her daughter was diagnosed with mild autism. However, in the year 2018 the opposite party engaged himself in extra marital affairs with his colleague out there and then he started to neglect the petitioner and refused to accept her as his wife. In the year 2020 the women who he was having an affair with returned to India and since then the petitioner was put under immense mental and physical torture by the O.P. She was also subjected to physical assaults several times by the O.P. Even her in laws did not support her in any way. All those years the petitioner borne the pain and sufferings just for the sake of her child. Having has enough of the torture of the O.P she was not able to bear the pain any further and she decided to return to India, however, the O.P forcefully did not allow her to leave along with the child. She was told that if she wants to go then she had to go without the child. Ultimately with the help of her family members and Consulate General in U.S.A she and her minor child was being able to be brought to India. The petitioner is unemployed and is running her day to day expenses with the help of her father and other family members, whereas the OP is a Senior Software Engineer at Microsoft Corp. and earns around ₹8,35,00 INR per month and is still living and employed at the U.S.A. Thus, the petitioner has prayed for interim maintenance to the tune of ₹1,50,000/- per month for herself and ₹1,50,000/- per month for her minor child along with ₹1,00,000/- as litigation cost.

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

The OP made his appearance and objected to the contentions of the petitioner by filing his written objection. In his W.O, the OP, inter alia, denied and disputed all the allegations raised by the petitioner against him. The OP contended that the petitioner refused to live with him without any cogent reason and there has been no torture upon her whatsoever. Further, it is also contended that the O.P has been maintaining his daughter since she was forcefully and unilaterally brought by the petitioner to India and he has paid about 5 lakh for her maintenance till date. The opposite party had also filed one writ of Habeas Corpus before Hon'ble High Court at Calcutta and then before the Hon'ble Supreme Court of India, however the mediation between the parties failed and the matter was closed on 08.07.2025. The O.P has admitted that is monthly income in ₹11,48,180 however, it is also his case that his monthly liabilities is ₹10,85,102/-. The OP contended that the petitioner willfully deserted him without any cogent reason. The OP prayed for dismissal of the matter.

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

1. I have gone through the petition and the written objection. I have also thumbed through the allegations and counter allegation of the parties of this case. The provision of interim maintenance is a measure made by the parliament for the needy wife, children or parents so that she could sustain her life to see the finality of the case which she has initiated U/sec. 144 of the B.N.S.S.
2. It is true from the factual aspects of this case that the parties of this case are living apart. At this stage no evidence is forthcoming as to why she has left the house of the opposite party though she has alleged that she was subjected to mental and physical torture and neglected by the opposite party while the O.P has contended that the petitioner has left him without any reasons and the allegations of the petitioner are all false.

3. At this stage the court is required to keep in mind the fact that before deciding the factual discord, some financial support is required to be given to the child of the parties who is taken care by the petitioner at the moment so that the petitioner could see the finale of the application filed by her under section 144 of the B.N.S.S. The court is to see as to whether the petitioner is unable to maintain herself or her child all by her own or not. In this case, the opposite party has made a submission that the petitioner has left her matrimonial home on her own whim. The O.P has also contended that his income is ₹11,48,180 p.m. and has old aged parents to maintain as well as huge liabilities to the tune of ₹10,85,102/- and therefore the O.P contends that the petitioner's prayer should be rejected. However, the point raised by the O.P is a matter of trial and evidence where it can be conclusively proved or disproved. It has no bearing on the interim application of the petitioner. O.P has admitted of being working at Microsoft Corp. U.S.A and he has also admitted of providing maintenance amount to his daughter having paid about 5 lakh for her maintenance till date.
4. Considering the above deliberation, age and O.P's admission of being an earning person, he has and can in any means help the petitioner and her minor daughter, who is his daughter too, to sustain financially till the disposal of this instant case irrespective of the outcome of this case.
5. Accordingly, the prayer of the petitioner is allowed. The petitioner, considering the entire factual aspects of the matter in hand, if allowed an interim maintenance award of ₹50,000/- and her minor daughter be entitled to get ₹ 30,000/- p.m from the opposite party from the date of filing of this application till disposal of this case, will subserve the ends of justice.

Hence, it is

O R D E R E D

that the instant interim petition is allowed on contest.

The petitioner does get an interim order U/S. 125, CrPC towards monthly maintenance allowance to the tune of ₹ 50,000/- per month for herself and Rs. 30,000/- per month for her minor daughter (₹80,000/- per month in total) from the O.P., from the date of filing of the instant application.

The O.P./respondent is directed to make payment of ₹80,000 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, i.e. 09/08/2024.

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

To 18/03/2026 evidence of the petitioner.

Dictated by,

ACJM.

ACJM/Bidhannagar/North 24 Parganas