

**Mat Suit 78 of 2023**

**Present. Sri. Sanjay Naskar, ADJ, FTC-3, Basirhat.  
JO Code (UID No) WB01025**

**Order No.11**

**Dated:- 22.03.2024**

Both parties file hazira. The respondent/husband has filed written objection against the petition u/s 36 of Special Marriage Act. Let it be kept with the case record. Today is fixed for hearing the petition u/s 36 of Special Marriage Act.

Heard both sided.

Record is taken up for passing order in respect of the petition u/s 36 of Special Marriage Act filed by the petitioner/wife.

Perused the petition, the written objection filed by the respondent/husband and other materials on record.

In the petition u/s 36 of Special Marriage Act, the petitioner/wife prays for an order directing the husband to a pay a monthly alimony of Rs. 20,000/- per month and a sum of Rs. 10,000/- to meet up the litigation cost.

It is stated that their marriage was registered on 30.03.2021 and they started to lead their conjugal life at the work place of the respondent/husband in the State of M.P.

The respondent/husband has filed this case u/s 27 of the Special Marriage Act praying for divorce on the grounds mentioned in the petition. In the instant petition praying for alimony, the petitioner/wife alleged that her husband demanded divorce on 05.04.2022 and her husband was a habitual drunker and he used to come late at night in drunken state and used to torture her. At the time of marriage her father arranged a sum of Rs.2,00,000/- at the demand of her husband and gave it to her mother-in-law and her mother-in-law promised to return the same but on 01.04.2022 when the petitioner/wife requested her husband to return the said amount, he started abusing her, assaulted her mercilessly and told her to go away. The family members of the petitioner/wife tried to reconcile the matter, but it was in vain. Due to such misbehavior and constant pressure of her husband for giving him divorce, the petitioner/wife was

compelled to leave the matrimonial home. That the respondent/husband never enquired about the petitioner/wife and the petitioner is presently passing her days in extreme hardship with her father. The petitioner/wife has no separate source of income. On the other hand the respondent/husband is a Civil Engineer and working in H.L. Passey Eng. Pvt. Ltd. and he is able-bodied young man and earns Rs. 50,000/- per month.

The respondent/husband filed a written objection denying all materials allegation made in the petition u/s 36 of the Special Marriage Act and stated that the petitioner/wife left her matrimonial house voluntarily. The respondent/husband further stated that he all along maintained the petitioner/wife. He also denied that he earns Rs. 50,000/- per month. Accordingly, the respondent/husband prays for dismissal of the instant petition.

Both the parties have filed affidavit of Asset and Liability.

Having heard both sides and on perusal of the record, it appears that the marriage between the parties is admitted fact and it is also admitted fact that the respondent/husband is a Civil Engineer and able bodied person. On the other hand the petitioner/wife stated by swearing affidavits that she has no source of income.

In view of section 36 of Special Marriage Act if the wife has no independent income sufficient for her support and the necessary expenses of the proceeding, the court may on the application of the wife order the husband to pay her the alimony pendent-lite, expenses of the proceeding such sum as having regard to the husband's income it may seem to the court to be reasonable.

From the available materials on record, it appears that the petitioner has no independent income sufficient for her support while the respondent/husband is a Civil Engineer and having a source of income. Such being the position, this court finds it appropriate to direct the respondent/husband to pay a monthly alimony of Rs. 6,000/- per month to the petitioner/wife for her support and to meet the expenses of the proceeding.

Accordingly, the instant petition u/s 36 of the Special Marriage Act is allowed on contest.

Hence, it is

**Ordered**

that the respondent/husband is directed to pay a monthly alimony of Rs. 6,000/-from the date of filing application under section 36 of the Special Marriage Act. The said amount shall be paid by the respondent/husband every month to the petitioner/wife within first 10 days of each succeeding month commencing from the date of filing application under section 36 of the Special Marriage Act. Let a copy of this order be given to the petitioner/wife free of cost.

To 17.04.2024 for reconciliation.

D/c, by me,

Additional District Judge,  
Fast Track 3<sup>rd</sup> Court, Basirhat.  
J.O. Code (UID) No. WB01025