

Mat Suit 149 of 2023
Present. Sri. Sanjay Naskar, ADJ, FTC-3, Basirhat.
JO Code (UID No) WB01025

Order No.17, dated:- 23.04.2025

Both parties file hazira. Today is fixed for hearing the petition u/s 24 of Hindu Marriage Act.

Heard both sides in full.

Record is taken up for passing order in respect of the petition u/s 24 of Hindu 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 24 of Hindu Marriage Act, the petitioner/wife prays for an order directing the husband to pay a monthly alimony of Rs. 25,000/- per month.

It is stated that their marriage was solemnized on 10.03.2022 and they started to lead their conjugal life at matrimonial house of the petitioner/wife. It is alleged that she was subjected to torture at her matrimonial house and failing to bear the torture she was compelled to leave her matrimonial house on 15/09/2022 at about 5:00 p.m. Thereafter to resume her conjugal life, she went to her matrimonial house on 26/06/2023 and 17/08/2023 but on both the said two dates, she was not allowed to stay at her matrimonial house. So, she has been living separately from the respondent/husband. The petitioner/wife has filed the instant suit u/s 9 of Hindu Marriage Act for restitution of conjugal rights. It is the further case of the petitioner/wife that she has not sufficient means to maintain herself and to contest the suit and so, she has prayed for maintenance to the amount of Rs. 25,000/- per month. It is the further case of the petitioner/wife that the respondent/husband is a primary school teacher and drawing salary of Rs. 40,000/- per month. Apart from that he is owning landed property and he is earning Rs.80,000/- per month from all his sources.

The respondent/husband has filed written objection denying each and every allegation of the petitioner/wife and stated inter alia that the petitioner/wife left her matrimonial house voluntarily. She is quarrelsome lady and she always picks up quarrel with the respondent/husband over trifling issues. She is very adamant woman. The respondent/husband further stated that he all along maintained the petitioner/wife. He also denied that he earns Rs. 80,000/- per month. It is further stated that she is giving private tuition and earning Rs. 25,000/- per month. He is to maintain his ailing parents and son and he is getting salary of Rs. 37,000/- 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 the respondent/husband is a primary school teacher and able bodied person. On the other hand the petitioner/wife stated by swearing affidavits that she has no source of income and she has been living separately due to the alleged torture of the husband.

In view of section 24 of Hindu 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 primary school teacher 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. 7,000/- per month to the petitioner/wife for her support and a further sum of Rs. 5,000/- to meet the expenses of the proceeding.

Accordingly, the instant petition u/s 24 of the Hindu Marriage Act is allowed on contest.

Hence, it is

Ordered

that the respondent/husband is directed to pay a monthly alimony of Rs. 7,000/- and a further sum of Rs. 5,000/-, one time, as legal expenses to the petitioner/wife within one month from the date of order. 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 this order. Let a copy of this order be given to the petitioner/wife free of cost.

To 14/05/2025 for reconciliation.

D/c, by me,

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