

M Case-296/21
Order dated: 03.12.22

Today is fixed for interim hearing.

Both parties file hajira.

Heard both sides.

The record is taken up for passing order in respect of interim maintenance petition filed by the petitioner against his son claiming interim maintenance for himself of Rs.10,000/-

The petitioner's case in a nut shell is that the OP having a handsome salary refuse to maintain him . Claiming himself to be an unemployed whereas the OP is an able bodied man and earning of Rs.70,000/- per month and hence prays for monthly interim maintenance for herself of Rs.10,000/- .

The OP by filing show cause denies all the allegation made in the record and admitting the fact that the petitioner is the mother of the OP. OP further stated that his monthly income is Rs.40,000/- and expenditure is Rs.35,000/- but has not filed any document in support of that.

At the time of hearing of the interim maintenance petitioner file affidavit of Assets and Liability

Having heard the submission of the Ld. Advocate for both the parties and after going through the materials on the record, it is found from the written objection as well as the interim maintenance petition that it is an admitted fact that the petitioner being his mother living separately. It is admitted fact that petitioner has two sons and three married daughters but she has filed this case only against one son. She has not mentioned in her affidavit of assets and liability whether the other sons and rest three daughter provide her maintenance or not. It is the equal responsibility of all the sons and daughter to maintain their aged mother. Having heard the submission of the Ld. Advocate for both the parties and after going through the materials on the record, it is found from the written objection as well as the interim maintenance petition that it is an admitted fact that the petitioner is the mother of the OP. The opposite party is an able bodied person. The petitioner has stated that the op had stopped maintaining her.

The object of proceeding for maintenance is to prevent vagrancy. The provision relating to obligation to maintain are not penal in nature but are intended to enforcement of a social duty , a default of which may lead to destitution and vagrancy. It will serve a social purpose. It is also admitted fact the the petitioner has another adult son.

In keeping with the standard of living of the parties, I am of the view that an interim maintenance of Rs.3000/- per month to be paid to the mother of the OP. The order is effected from the date of filing.

Hence, it is,

ORDERED

that the petition filed by the petitioner praying for interim maintenance is thus allowed on contest.

The OP is hereby directed to pay interim maintenance of Rs.3000/- per month to be paid to the mother of the OP. This this order is effected from the date of filing. Arrear amount is to be paid by the OP in a period of one year in equal installment, from the date of this order, within the 10th day of every month as interim maintenance allowance, failing which the petitioner will be at liberty to put the order in execution.

Let a copy of this order be supplied to the petitioner free of cost.

To 01.03.2023 for evidence.

J.M 2nd Court, Barrackpore.

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