

District: North 24 Parganas

IN THE FIRST COURT OF THE JUDICIAL MAGISTRATE AT BARRACKPORE

Present:

Sri Rahul Bhattacharjee
Judicial Magistrate 1st Court,
Barrackpore, North 24 Parganas
JO Code: WB01436

 **MISC. CRL. CASE**
Misc. – 202 OF 2016
WBNP150024602016

Filed on – 21.11.2016

Paromita Adhikary

...

Aggrieved Party

Rep. by Saibal Das, Ld. Advocate

VS.

Dilip Adhikary

...

Respondent

Rep. by (exparte)

Order dated 02.06.2026

Today is fixed for exparte hearing, i.d. order.

Aggrieved Party filed Hazira.

Heard Ld. Adv. of the Aggrieved Party. Perused Case Record. Considered.

Record is taken up for passing exparte final order.

Aggrieved Party's case is that she is the legally married wife of the Respondent. Their marriage was solemnized on 10.08.2009 and was consummated. From the very initial days, there was friction at the matrimonial home of the Aggrieved Party between herself and the Respondent on demand of money and other valuables. Respondent used to team up with his family members and assault the Aggrieved Party. Finally, she was assaulted on 30.10.2016 with an intent to drive her out of her matrimonial home in severe manner leading to her hospitalization. Since then, she has been driven out from her matrimonial home and in all these years the Respondent has neglected to maintain the Aggrieved Party and not paid her anything despite handsomely earning a sum of ₹85,000/- per month working at his own business of Computer Hardware. In such circumstances, she has prayed for maintenance of ₹17,000/- per month for herself and ₹20,00,000/- towards the compensation. Aggrieved Party claims that she has no personal income and is spending her days in destitution and vagrancy and finding it difficult to lead her life and accordingly she was forced to file this case.

The case is uncontested as the Respondent had failed to take steps on 20.01.2025 leading the Court to order that the record be proceeded with exparte.

The following evidences are on record –

1. Paromita Adhikary ... PW1.

Perused Case Record. Considered.

Perused the affidavit of Assets and Liabilities filed by the Aggrieved Party and the unchallenged evidence on record. The petition which is uncontested shows that the Respondent is earning ₹60,000/- - 70,000/- from his business of computer servicing however, other than some business cards filed by the Aggrieved Party, there is no documentation that any such business exists in his name or his income therefrom. The statement of assets and liabilities shows ₹8,800/- expenditure per month of the Aggrieved Party with disclosing income of ₹9,000/- per month as honorarium being an ICDS worker. No documents were filed by the Aggrieved Party regarding or in support of the contention of the income of the Respondent.

S. 20(1)(d) PWDV Act is a benevolent provision to prevent vagrancy and destitution of the women victims of domestic relationships. It is the established position of law that it is the undisputable duty of an able bodied and capable man to maintain his dependent(s) who have no other means at their disposal to maintain themselves. The woman in this case is earning ₹9,000/- as an honorarium being an ICDS worker – an income that is neither permanent nor substantial, considering the standard of living she would have enjoyed, had she been at her matrimonial home. The Respondent husband has not contested. Accordingly, while his capacity to pay is not established before this Court, the statement of the Aggrieved Party isn't rebutted either. The evidence further suggests that Aggrieved Party is living separately from the Respondent and there is nothing to suggest that she receives any care or maintenance from him for herself. There is nothing on record to suggest incapacity of the Respondent. Accordingly, within the meaning of S. 20(1)(d) PWDV Act, the Respondent cannot stand away from his duty to maintain his wife to a certain basic standard independent of her personal income. Should she require more for meeting her expenses, she has both the capacity as well as scope of securing the same being

possessed of sufficient work experience as well as professional qualification as a graduate. Without such support, she could as well be spending days in destitution and vagrancy without any certain, stable and secure source of income to provide for her sustenance. However, such monetary relief, if any, should be sufficient for her to live with dignity and is not expected to provide for any extravagant living.

Considering the facts and circumstances, this Court finds this to be a fit case for allowing monetary relief and considering the present socio-economic condition of the Aggrieved Party and Respondent, the present scenario of the market, amount roughly required by a lady of this age to live with dignity, this Court feels that it sufficient for the Aggrieved Party and not unjustified on the part of the Respondent if a monthly monetary relief to the tune of ₹3,000/- is paid to the Aggrieved Party for her life or until remarriage, whichever earlier. Aggrieved Party is residing at her parental home with no imminent signs of abuse thereat. No case for protection or residence order is deemed necessary. Further, no substantial loss of opportunity or life transpired from the evidence. As such, no case for compensation is made out.

This Court is also of view that since her returned income, though unstable, is more than her disclosed expenses as of date, monetary relief shall be granted from the date of this order. Aggrieved Party has sued as a pauper; accordingly, no order is made as to cost of litigation.

Hence, it is

ORDERED

that, the petition praying for monetary relief u/s 20(1)(d) PWDV Act is allowed exparte in part without any order as to cost.

The Respondent is hereby **directed to pay and keep paying a sum of ₹3,000/- (Rupees Three Thousand only) to the Aggrieved Party for her life or until remarriage, whichever earlier towards maintenance** from the date of this order i.e. 02.06.2026.

he payment must be made within 10th day of each succeeding English calendar month, in default, the Aggrieved Party is at liberty to put the order, or any part thereof into execution in accordance with law.

Any amount already paid under this case previously, may be adjusted with the amount payable.

Let, a copy of this order be supplied to the Aggrieved Party free of cost.

The case is accordingly disposed of.

Note in the relevant register.

Typed and Checked by me.

Rahul Bhattacharjee, WBJS
Judicial Magistrate 1st Court,
Barrackpore, North 24 Parganas.
JO Code: WB01436
Date: 02.06.2026

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