

IN THE FIRST COURT OF THE JUDICIAL MAGISTRATE AT BARRACKPORE, NORTH 24 PARGANAS



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

M CASE NO. -	1071/2025
CNR NO. -	WBNP150087892025

Filed on - 23.12.2025

Rani Das
Rep. by Prity Shaw, Ld. Adv.
... Petitioner

vs.

Amit Das
Rep. by (exparte), Ld. Adv.
... Opposite Party

Order Dated: 01.09.2026

1. Today is fixed for exparte hearing.
2. Petitioner filed Hazira. Witness is present. Witness namely Rani Das is examined in dock in exparte in full and discharged as PW1. Evidence is closed as per verbal prayer of the Ld. Advocate of the Petitioner.
3. Heard Ld. Adv. of Petitioner. Perused Case Record. Considered. Record is taken up for passing exparte final order.
4. Petitioner’s case is that she is the legally married wife of the Opposite Party. Their marriage was solemnized on 06.03.2022 and was consummated. They do not appear to have any children from the marriage. From the very initial days, there was friction at the matrimonial home of the Petitioner between herself and the Opposite Party on demand of money and other valuables. Opposite Party used to assault the Petitioner and maintain illicit affairs and also remain intoxicated often. Finally, she was assaulted on 12.07.2025 and driven out of her matrimonial home and in all these years the Opposite Party has neglected to maintain the Petitioner and took no note of her whereabouts or paid her anything despite handsomely earning a sum of ₹20000 working as an eRickshaw driver and paint labour. In such circumstances, she has prayed for maintenance of ₹10000 per month for herself and ₹0 towards the cost of litigation. Petitioner claims that she has no personal income and is spending her days in destitution and vagrancy and finding it difficult to meet her basic expenses and accordingly she was forced to file this case.
5. The case is uncontested as the Opposite Party had failed to take steps on 09.07.2026 leading the Court to order that the record be proceeded with exparte.
6. Perused Case Record including the averments, the affidavit of Assets and Liabilities filed by the Petitioner and the unchallenged evidence on the record. Considered.
7. The petition which is uncontested shows that the Opposite Party is earning ₹20000 from his employment/ business/ profession as an eRickshaw driver and paint labour. The statement of assets and liabilities shows substantial expenditure per month of the Petitioner without disclosing any definite source of income on her part. Her claimed expenses of ₹10000 (A7) is not commensurate with her claimed income of ₹0 (F3) which accordingly appears to be an unnecessary and unsubstantiated exaggeration. No documents were filed by the Petitioner regarding or in support of her contention of the income of the Opposite Party. Three years bank statements not filed.
8. S. 125 CrPC / 144 BNSS is a beneficial instrument to prevent vagrancy and destitution of the deserted parents, wife and children. 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 evidence further suggests that Petitioner is living separately from the Opposite Party 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 Opposite Party. Accordingly, within the meaning of S. 125 CrPC / 144 BNSS, the Opposite Party cannot stand away from his duty to maintain his wife who must certainly be spending days in destitution and vagrancy without any definite source of income to provide for her sustenance. However, such maintenance, if any, should be sufficient for her to live with dignity and shall not provide for any extravagant living.
9. Considering the facts and circumstances, this Court finds this to be a fit case for allowing maintenance and considering the present socio-economic condition of the Petitioner and Opposite Party, 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 Petitioner and not unjustified on the part of the Opposite Party if a monthly maintenance to the tune of ₹3000 is paid to the Petitioner for her life or until remarriage, whichever earlier.
10. This Court is also of view that maintenance shall be granted from the date of filing of this application. Petitioner has sued as a pauper; accordingly, no order is made as to cost of litigation.
11. It is accordingly ORDERED that, the petition praying for maintenance is allowed exparte in part without any order as to cost.
12. The Opposite Party is hereby directed to pay and keep paying a sum of ₹3000 (Rupees Three Thousand only) to the Petitioner for her life or until remarriage, whichever earlier, towards maintenance from the date of filing i.e. 23.12.2025.
13. The payment must be made within 10th day of every succeeding English calendar month, in default, the petitioner is at liberty to put the order, or any part accrued thereof into execution in accordance with law. Any amount already paid under this case previously, may be adjusted with the amount payable as arrears. Let a copy of this order be supplied to the petitioner free of cost. The case is accordingly disposed of. Note in the relevant register.

Typed and checked by me: