

Misc Case 05 of 2025

CIS Regd. No. 05 of 2025

CNR-WBPU06001122025

Present : Smt. Sanjukta Bhattacharya

Judicial Magistrate 2nd Court

Raghunathpur, Purulia

JO Code :(WB01346)

Order Dated 28-07-2025

Today is fixed for interim hearing, filing written objection, affidavit of assets and liabilities by the respondent.

Both sides take step.

One written objection along with Affidavit of assets and liabilities is today filed by the respondent No.1. Let the same be kept with record.

Perused the record closely and it appears that, due to inadvertence today is fixed for filing written objection by the respondent. However, it transpires that, the written objection as against the interim application had already filed by the respondent No.1 and the same is retained with the record. Copy had already been served upon the other side. Objection raised.

As of today, there lies no embargo in proceeding with the interim hearing of the case. Heard both sides at length. Considered.

Record is now taken up for passing interim order, in respect of a petition filed by the aggrieved person under section-23(1) of the PWDV Act seeking interim relief(s) against the respondent under PWDV Act dated 20-01-2025, pending disposal of the parent application u/s-12 of the P.W.D.V. Act.

The case of the aggrieved person / Asha Majhi is that, she is the legally married wife of the respondent No.1/Shib Kumar Majhi and their marriage was solemnized as on 09-03-2023 as per Hindu rites and customs. That the aggrieved person's father at the time of marriage, gifted valuable cash of Rs 1,00,000/-(Rupees One lakh only) along with other valuable articles which are presently lying in the custody of the respondents. That after marriage, the aggrieved person went on to lead her conjugal life at Konapara, PO-Konapara, PS- Kenda, District- Purulia.

It is specifically alleged by the aggrieved lady that, respondents tortured her both mentally and physically and in particular respondent No.1 under influence of liquor physically assaulted her. That respondent No.3/ Panchami Majhi instated her husband to inflict various forms of violence. That aggrieved person was denied food, clothes and medicines and finally on 16-09-2024 was forcibly driven out from her shared household. That the aggrieved lady was constrained to file criminal proceeding u/s 498A Indian Penal Code along with sections 3 and 4 of Dowry Prohibition Act against the respondents

before Kenda PS.

Since then the respondent took any information about the aggrieved person nor provided her with any maintenance to sustain her livelihood expenses.

It is contended by the aggrieved person, that she has no independent source of income and she is totally dependent on her father. On the other hand, the respondent No. 1 is an able bodied man, and is engaged in grocery business wherefrom he earns Rs 20,000/- (Rupees thirty thousand only) besides having landed properties and thus she has been constrained to approach this Court, seeking various reliefs inter alia interim maintenance of 7,000/- (Rupees seven thousand only) per month pending disposal of the parent application.

That, respondent No.1 had file one written objection as against the application under section 23(1) PWDV Act denied specifically the instances of any physical torture inflict upon the aggrieved person.

It is the specific case of respondent husband that, he always used to well treat the aggrieved person. It is even contended that, aggrieved lady voluntarily deserted herself from the shared household. Respondent No.1 even refuted the rival claim of earning Rs 7,000/- (Rupees seven thousand only) per month and his case is that, he is a mere day labour earning Rs 5,000/- (Rupees five thousand only) per month. Learned Advocate for the respondent drawn attention of this Court to the income certificate of of respondent No.1 filed today, to substantiate prima facie his negligible source of claim. It is even contended by respondent that, he is always ready and willing to take back his wife and he had filed another proceeding for restitution of conjugal rights to that effect before appropriate forum .As such, thereby praying for refusal of grant of any interim relief, at this stage, under PWDV Act.

Perused the materials available on record including Domestic Incident Report filed by the Protection Officer, Purulia. On consideration of the factual matrix of this case and upon perusal of the Domestic Incident Report it appears that admittedly, the aggrieved person and the respondent No 1 as well as the other respondents are related to each other through a domestic relationship as family members;; as defined **u/s 2(f) of P.W.D.V . Act, 2005**. The allegations levelled by the petitioner which can be gathered upon the perusal of the Domestic Incident Report, seems to prima facie attract the nature of abuse under the realm of verbal and emotional abuse as well as economic violence defined under **Section3 of the P.W.D.V . Act, 2005** .

At this juncture, the Court is prima facie convinced to draw the inference the aggrieved lady being subjected to domestic violence can be invoked against the respondents.

From perusal of the instant application, it appears that the aggrieved lady had mainly pressed for monetary relief, interalia other relief, under Section 20 of PWDV Act against only her husband, and the wake of same, there certainly arises the need for protection of the claimant's rights otherwise she would suffer irreparable loss and injury.

The aggrieved lady did not file any document showing the present income of her husband to determine prima facie the earnings of respondent No 1, but in this score the reliance can be only placed upon the Affidavit of Assets and Liabilities furnished by both sides as well one income certificate filed by the respondent. However, as the trial not yet commenced, nothing can be prima facie adjudged from the face of documents.

Now, at this interim stage, prima facie nothing is forthcoming in the record that, the respondent No.1 used to transmit money towards bearing his legally wedded wife's expenses, subsequent to filing of this case. Simultaneously, I would hasten to add at the same breath that upon perusal of Domestic Incident Report,, it prima facie discloses the allegations of emotional, economic violence as well as dowry related harassment inflicted upon the aggrieved lady by respondents.

*Thus, this Court deems it just, fit and proper, at this juncture keeping in view the present economic condition and the present market price of commodities to be incurred for bare existence and dignity, to direct the Respondent No.1, as of now, only to pay a sum of **Rs. 6,000/- (Rupees Six Thousand only)** for herself as interim maintenance per month, from the date of filing of this case, until the final order.*

The respondent No.1 is hereby directed to make the payment in favour of the petitioner/aggrieved person within the(10th) Tenth day of each succeeding English Calendar month till disposal of this case. In case of infraction of this order, the petitioner is at liberty to proceed against the concerned respondent through the process of court.

The respondents shall be restrained from committing any act of domestic violence upon the petitioner/aggrieved person.

*Let this order be communicated to the Officer -In-Charge of **Para PS**, with a direction to assist the aggrieved lady aforementioned in course of implementation of this order.*

Let a copy of this order be supplied to the parties free of cost as per section 24 of the Protection of Woman from Domestic Violence Act 2005 and the same be forwarded to the O/C, concerned P.S. and the concerned Protection Officer, Purulia for necessary action.

BC-II to do needful.

*Dictated and corrected by me
Sd/-*

*Judicial Magistrate
2nd Court, Raghunathpur, Purulia.*

*Dictated and corrected by me
Sd/-*

*Judicial Magistrate
2nd Court, Raghunathpur, Purulia.*

Later ,

The Court, having heard the parties and having determined that there is possibilities of settlement of the issues by mediation, refer the matter to Ld Mediator.

As of now, in view of the subsisting order and in presence of both sides, let the Ld.

*Advocates of both sides be informed about this order with a request to direct their respective clients to report before the Mediation Centre, SDLSA, Raghunathpur on and the date for appearance before this Court is on **19/09/2025**.*

Let a photocopy of the complaint petition and a copy of this Order be sent to the SDLSA, Raghunathpur for its onward transmission to the SDLSA forthwith.

B.C. -II concern to comply.

*To **19/09/2025** for report of Ld Mediator.*

Dictated and corrected by me

Sd/-

Judicial Magistrate

2nd Court, Raghunathpur, Purulia.

Dictated and corrected by me

Sd/-

Judicial Magistrate

2nd Court, Raghunathpur, Purulia.