

Misc case 85/24

CIS no: 87/2024

CNR No:WBPU06-000764-2024

JO Code: WB01313

Order dated 12/12/25 :-

Today is fixed for interim hearing.

Both parties are present by filing hazira.

Hd. both sides.

Perused. Considered.

It is the case of the petitioner that she got married with the respondent no.1 on 13/03/17 as per Hindu Rites and Customs and after the marriage she went to her matrimonial house. In the said marriage, ₹1,00,000/- cash, bed, almirah, gold ornaments and utensils were given to the respondents. Soon after marriage the petitioner was tortured physically and mentally by the respondents claiming that the quality of the dowry articles was low. She was compelled to do all the household works and was often insulted by the respondents. On 06/05/18 she gave birth to one daughter namely Sudeshna Dhibar. After birth of girl child the respondents demanded ₹50,000/- more and when she denied to bring the said amount, she was assaulted. On 06/06/24, the petitioner was again assaulted and on that day she came to know that the respondent no.1 has an extra marital affair with the respondent no.5. Thereafter on 27/06/24 the petitioner was driven out from her matrimonial house and since then she is staying at her paternal house with her daughter. The petitioner has no source of income whereas the respondent no.1 is a businessman and the earns ₹80,000/- per month. In such facts and circumstances, she prayed for interim maintenance of ₹10,000/- per month for herself and ₹10,000/- per month for her minor daughter.

The respondents admitted the marriage between the petitioner and the respondent no.1 as well as the paternity of the minor daughter. They denied the allegations of torture and dowry demands. It is their case that the petitioner left the matrimonial house voluntarily with her father on 27/06/24. Whenever the respondent no.1 tried to bring her back, she refused. The respondent no.1 earns ₹300/- per day by working as a day labour. He has no extra marital affair with the respondent no.5. Accordingly they prayed for rejection of the instant petition.

Both parties have filed affidavit of assets/liabilities as per mandate of the Hon'ble Apex Court in *Rajnish vs Neha AIR online 2020 SC 915*.

On perusal of the case record, this Court finds that the factum of marriage between the petitioner and the respondent no.1 as well as the paternity of the child is admitted. The respondent no.1 being an able bodied person cannot discharge his liability to maintain his wife and minor child even if

he earns a meagre income.

This being an application for interim maintenance, the only point which requires determination at this stage is that whether the petitioner has made out a prima facie case for getting maintenance for herself and her minor daughter. Admittedly the petitioner is staying at her paternal house and ordinary rule of prudence indicates that a married woman would not leave her matrimonial home unless there are pressurising circumstances for her to do so and it is the duty of the husband to provide maintenance to her and her daughter. If he does not do so it can be said that he has refused or neglected to maintain his wife and daughter.

So far as the income of the respondent no.1 is concerned, the petitioner claims that he earns ₹80,000/- per month. Whereas it is the claim of the respondent no.1 that he is a day labour and earns ₹9,000/- per month only. Neither side has filed any documents in this regard.

It is settled law that quantum of maintenance awarded should be such that it enables the intended recipients to live a decent but not necessarily luxurious life and at the same time it should not be unduly penurious to the respondent no.1.

Considering the facts and circumstances of the case this Court is of the opinion that it is a fit case to allow interim maintenance to the petitioner. Considering the current market value and other factors, I am of the opinion that interim maintenance to the tune of ₹3000/- per month for the petitioner and ₹3000/- for her minor child would be proper.

Hence it is

ORDERED

that the petition for interim maintenance is considered and allowed on contest.

The respondent no.1 is directed to pay ₹3000/- per month to the petitioner and ₹3000/- to her minor child as interim maintenance from the date of filing of this case.

The respondent no.1 is further directed to pay the said amount to the petitioner as interim maintenance within 1st week of each of the succeeding month.

Let the copy of this order be given to the petitioner free of cost if applied for.

To 05/02/26 for evidence.

D/c by me:

Sd/-
ACJM-2nd Court
Raghunathpur, Purulia

Sd/-
ACJM-2nd Court
Raghunathpur, Purulia