

Misc. case no. 93/24 (Regd. no. 95/24)

12.03.2025

Today is the date fixed for for hearing of the petition for interim maintenance filed by the petitioner, filing of W/O and affidavit of assets liabilities and expenditure by the O.P.

No show cause / written objection has been filed on behalf of the opposite party with regard to the petition for interim maintenance as filed by the petitioner.

Heard Ld. Advocate for both the parties on this date over the petition for interim maintenance as filed by the petitioner.

It appears on perusal of the record that the Affidavit of Assets Income and expenditure has been filed only by the petitioner and not by the opposite party.

On going through the materials on record and the Affidavit of Assets, Income and expenditure as furnished on behalf of the petitioner, it reveals to this court that it is the contention of the petitioner that after her marriage with the O.P on 22.01.2020, she had gone to her matrimonial residence to lead marital life with the O.P and a daughter has been born out of the said wedlock but subsequently, the O.P and his relatives started to inflict torture upon her both physical and mental on the demand of dowry and also did not give her proper food and clothing and other requirements and as such the petitioner has been compelled to quit her matrimonial residence on 27.08.2021 after being severely assaulted by the O.P and has been forced to take shelter in the house of her widow mother and the O.P has also refused to maintain her and her minor daughter inspite of having of monthly income of Rs. 60,000/- as an employee of Railways. Hence, the instant petition has been filed by the petitioner praying for Rs. 30,000/- as interim maintenance from the O.P.

At the time of hearing of the petition for interim maintenance Ld. Advocate for the O.P submits that the O.P is willing to pay Rs. 12,000/- per month as interim monthly maintenance to the petitioner for herself and her minor daughter if the petitioner is willing to accept the said amount as interim maintenance.

Ld. Advocate for the petitioner submits that the petitioner has no objection if the said amount of Rs. 12,000/- is paid as interim maintenance to her by the O.P.

Considering the aforesaid submissions of both the parties and their Ld. Advocates, this court is inclined to direct the O.P to pay a sum of Rs. 12,000/- as monthly interim maintenance to the petitioner from the date of filing of the instant application for interim maintenance by her.

Hence, it is

Ordered

that the petition for interim maintenance dated 31.08.2024 filed on behalf of the petitioner is hereby considered and allowed on consent of both the parties.

Accordingly, the O.P is hereby directed to pay to the petitioner within 7th day of each succeeding month a sum of Rs. 12,000/- per month towards the interim maintenance allowance to the tune of Rs. 8,000/-for the petitioner and Rs. 4,000/- for her minor daughter.

The order of interim maintenance would have its retrospective effect since the date of filing of the petition for interim maintenance by the petitioner i.e on and from 31.08.2024.

The O.P is directed to pay all the arrears of due interim maintenance allowance in favour of the petitioner by 10 monthly installments along with the regular payment of maintenance allowance in favour of the petitioner.

Let a photocopy of the order be immediately served upon the petitioner at the free of costs.

To **08.04.2025** for evidence of the petitioner.

D/C
Sd./-

Sd./-
A.C.J.M, Raghunathpur

Later:-

Ld. Advocate for the O.P not pressed a petition filed on 13.02.2025 praying for transferring the instant Misc. case to the Court of the Ld. J.M 1st Court, Raghunathpur.

Let the same petition be rejected as not pressed.

Another similar verified petition has been filed by the O.P on this date for transferring the instant case to the court Ld. J.M 1st Court, Raghunathpur for its proper adjudication. Let the same petition be kept with the record and fixed for hearing on the next date.

Objection if any to the petition to be filed by the petitioner in the meantime.

To date for hearing.

D/C
Sd./-

Sd./-
A.C.J.M, Raghunathpur