

Misc Case No 111 of 2022(CIS 114/2022)

Order dated :16/10/2023

The date is fixed for passing order of interim application. Heard both sides in full. Perused the available materials on record, declaration of asset.

The case of the petitioner in a nutshell is that the petitioner Priti Kumari is the legally married wife of respondent Manoj Agarwal. The marriage was solemnized on 18/06/2021. At the time of marriage the parents of this petitioner gave Rs. 2,00,000/-, gold and silver ornaments, furniture, house hold articles, Tv. After marriage in her matrimonial home she was subjected to physical and mental torture for more amount of money. She was driven out from her matrimonial home for want of further dowry. Presently the petitioner took shelter at her parent's house. The aggrieved person passing her days with great hardship. During her stay in matrimonial house she was refused proper medicine and treatment and proper fooding. The respondent is a businessman/owner of ration dealer earns rupees 50,000/- per month and respondent has also landed property along with house hold premises. The aggrieved person prays for interim relief of rupees 10,000/- per month for herself and rupees 5,000/- p.m. as rent.

The respondent on the other hand files written objection where in he denies all the allegation labelled against him and states that the aggrieved party has withdrawn herself from the society of her husband to fulfill her illmotive to grab money. But respondents no where denied specifically the income stated by the aggrieved party nor he specifically mention about his income in his W.O. u/s 12 of the Act. But apart from this W.O. there is no W.O. regarding interim prayer of the aggrieved party.

Perused the affidavit of declaration of asset and liability filled by both the parties. In the affidavit the O.P. states his occupation as casual labourar and he states that his wife is a beautician and earns Rs. 10,000/- p.m. On the other hand the petitioner states in her affidavit that the respondent husband earns Rs. 50,000/- p.m. from Ration shop.

She further states that her husband has additional income of Rs. 5,000/- p.m.

Therefore, considering the contentions and counter submissions, it is clear that there is no dispute regarding marriage between the petitioner and respondent husband. On meticulous perusal of the record it appears that there is no whisper that the respondent husband has ever paid any amount towards the expenditure incurred by the petitioner. Therefore in the opinion of this court the petitioner entitled to get interim pecuniary relief for subsistence during pendency of this case. Regarding the quantum of the interim relief amount the status of this parties and the affidavits of assets and liabilities are considered.

Hence it is ordered

ORDER

that the petitioner do hereby get and order of interim relief of rupees 8,000/-(Eight thousand) per month for the petitioner from the date of filing of this case.

The amount as ordered above shall be paid within seventh day of each succeeding English Calender Month, failing of which the petitioner shall be at liberty to execute the same as per law.

The arrear maintenance shall be paid in five equal installment.

Thus the petition for interim relief is hereby disposed of .

.Let a free copy of this order be given to the petitioner at once.

Fix 10/11/2023 for hearing.

(D/C)

J.M-2nd Court,
Raghunathpur, Purulia.

Judicial Magistrate, 2nd Court,
Raghunathpur, Purulia.

