

Misc case no. - 24/25

Present : Sri. Pranay Subba, A.C.J.M., Dinhata, Coochbehar.

Order no. 19, dated 13.01.2026.

Both parties are present by filing hazria.

The petitioner has deposed her evidence as PW1, however, cross-examination was deferred on the prayer of Ld. Advocate on behalf of the OP.

The record is taken up for passing order in respect of interim maintenance petition filed by the petitioner Smt. Manasa Barman against the O.P being her husband namely Gopal Chandra Barman claiming Rs. 20,000/- (rupees twenty thousand) per month for herself as interim maintenance allowance.

In the petition supported by an affidavit, the petitioner inter-alia has contended that she is a legally married wife of the O.P. having solemnized by registered marriage on 15.11.2008 and following to Hindu rites and ceremonies on 11.03.2009 and after which she went to her matrimonial house to live together as husband and wife. Thereafter, the petitioner was subjected to mental and physical torture by the O.P on multiple occasions on demand of Rs. 1,00,000/- and at last in the month of June, 2022 she was driven out from her matrimonial house after assault and since then she has been staying at her parental house.

It is the further case of the petitioner that she has no independent source of income and on the contrary, the other side, the O.P is a Postal Assistant, under Central Government and drawing approximately monthly salary of Rs. 60,000/- (Rupees sixty thousand) per month and he is having some landed property in Coochbehar and Haribhanga, Gouranga Barjar.

In the W/O filed against the ad-interim maintenance petition, the O.P has denied the fact of torture upon the petitioner by him and also all the allegation and contentions of the petitioner leveled against him save and except that the petitioner is his wife. The O.P also states that the petitioner's father is a wealthy person and the petitioner runs a business in a shop owned by her father and gives private tuition from where she earns Rs. 50,000/- (rupees fifty thousand) per month. Lastly, he has prayed for dismissal of the present application.

Heard both sides.

The present case being at its primary stage I refrain myself from delving into the merits even for moment for the sake of argument it is believe that the petitioner left without the permission of the O.P. but the O.P cannot walk away from his responsibilities by simply stating that he has to take care of his disable brother and sister that too when he has not filed any document in this regard.

It is also pertinent to note herein that the welfare and proper of the woman (petitioner) is of paramount consideration. As it is not the case of the O.P that he is prevented from some mental and physical abnormality so he can certainly put in a bit of extra effort to see that the basis minimal requirements of the petitioner.

However, from the pleadings and submission of the parties it is crystal clear that the marriage between the parties and the separate living is not in dispute in the present case. These unchallenged facts themselves are sufficient at this stage to dispose of the instant petition in favour of the petitioner.

Thus, having regard to the condition of the parties, the soaring market prices of the commodities, status of the parties in the society they live, need and urgency of the petitioner, the objective of the legislature in incorporating the provision of interim maintenance allowance and other relevant factors I am of the considered opinion that awarding the petitioner an amount Rs. 6,000/- for herself per month till the final disposal of the present case may not prejudice any of the parties.

Hence,

it is

ORDERED

that the instant ad interim maintenance petition is allowed on contest but in part. The O.P is hereby directed to pay to the petitioner Rs. 6,000/- for herself per month as interim maintenance allowance within 16th of every succeeding English calendar month commencing from this day till the final disposal of the present case.

On failure of the O.P to make the aforesaid payment/s the petitioner shall be at liberty to set the law into motion for its recovery.

To 24.02.26 for evidence from the side of the petitioner.

(D/C by me)

Sd/- Pranay Subba
ACJM, Dinhata

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