

In the Court of Judicial Magistrate (2<sup>nd</sup> Court)  
Diamond Harbour, South 24 Parganas (WB)  
**Present: Smt. Priyanka Zimba, WBJS**  
**(WB01293)**

**Maintenance Case No. 81/2025**

**Munni Molla**

**Vs.**

**Sk Mashinur Rahaman**

**Order dated 14.05.2026:**

Today the record is fixed for interim hearing.

Petitioner is present and files haziras.

O.P is absent by a petition.

Ld. Counsel for both parties are present.

Now, the matter is taken up for hearing of interim maintenance petition.

Heard Ld. Counsels for the parties in full.

It appears that the interim maintenance petition has been filed by the petitioner praying for interim maintenance of Rs 10,000/- per month for herself and Rs. 10,000/- per month for her child total being Rs. 20,000/- per month as maintenance.

Perused the case record and material therein.

Considered.

This is a case instituted u/s 144 of B.N.S.S. by the petitioner namely Munni Molla.

The case of the petitioner is that she is married wife of the O.P. Their marriage was solemnized on 21-12-2016 as per Muslim Rites and Customs. They also have a son named Raihan Sk aged about 6 years.

It is stated that during her conjugal life, the petitioner was subjected to both physical and mental torture by the OP and his family members over the demand of dowry. The O.P is a drunkard and he used to assault the petitioner brutally. The petitioner was not allowed to communicate with her paternal house. On 24-01-2025, the O.P brought some strangers who tried to behave rudely with the petitioner. When the petitioner raised objection, the O.P dashed her head against the wall, beat her up with wooden beam and also tried to suffocate her by putting pillow on her mouth. The petitioner somehow escaped but the O.P confined her in a room. On 15-02-2025, the petitioner escaped from her matrimonial house and went to *Sirakole* hospital for treatment and took shelter at

her father's house. The parents of the petitioner tried to settle the matter but to no use. Since then, she is residing at her father's house with her minor child and the O.P has not taken any information about them and not paid any maintenance to them.

The petitioner has no income of her own to maintain herself and her child where as the O.P is a solvent person. He is a homeopathic doctor and has his chamber at Sirakole More. Besides, he has twenty shops at Sirakole which he gives on rent. From all sources, the O.P earns Rs. 1,50,000/- per month. Despite of having sufficient means the O.P has failed and neglected to maintain the petitioner and her child for which she has filed this instant case u/s 144 of B.N.S.S.

The O.P appeared before this court and filed his show cause petition. The OP has not filed any written objection against the interim maintenance petition and also not filed his affidavit of disclosure of assets and liabilities. Ld. Advocate for the O.P. during hearing submitted that the O.P admits the marriage and paternity of the child but the petitioner has left her matrimonial house voluntarily because she has illicit relation with another man. It is further submitted that the petitioner used to pressurize the O.P to reside separately from his old parents. Ld. Counsel for the O.P prays for rejection of the interim petition.

I have heard the Ld. Counsel for the petitioner and the OP as well as gone through the interim petition. I have also gone through the affidavit of disclosure of assets filed by the petitioner. It appears that the O.P did not file his affidavit of disclosure of assets and liability.

The object of section 144 of B.N.S.S is to prevent vagrancy and destitute. On perusal of the materials on record, I find that the marriage and the child are admitted by the O.P. Their child residing with the petitioner is also admitted and it is also admitted that the OP has not been paying any maintenance to them. No affidavit is filed by the O.P. in compliance of the decision of the Hon'ble Apex Court in Rajnesh v. Neha.

At this stage, both the allegations made by the parties cannot be considered without going into the trial. The petitioner has mentioned in her interim petition that she has been living in a miserable condition without any income of her own and without any help from the O.P. As such, I find that there is urgency in passing order of interim maintenance and a *prima facie* case in favour of the petitioner particularly considering the fact that the O.P has not filed his affidavit of disclosure. All the other facts will be considered at the time of appreciation of

evidence.

Hence, it is,

**ORDERED**

That the petition for interim maintenance filed by the Petitioner against the opposite party is considered and allowed on contest without any order of cost.

The Petitioner does get a sum of **Rs. 1500/- per month (Rupees One Thousand Five Hundred only) for herself and Rs. 1000/- per month (Rupees One Thousand only) for her minor child total being Rs. 2500/- per month** as interim maintenance allowance from the date of the institution of this case until disposal of the suit. Opposite party is directed to pay the aforesaid amount of monthly interim maintenance within 10<sup>th</sup> day of each succeeding month of English Calendar.

The O.P is further directed to pay the arrear amount of **Rs. 35,000/- (March, 2025 to April, 2026)** in **ten** equal installments at the rate of **Rs. 3,500/- each** along with regular monthly payment starting from **June, 2026**.

Let a copy of this order be supplied to the Petitioner free of cost.

To 09-10-2026 for evidence.

D/C

S/d-  
JM 2<sup>nd</sup> Court DDH  
(P. Zimba)

S/d-  
JM 2<sup>nd</sup> Court DDH  
(JO Code: WB01293)