

## **M Case- 95 of 2025**

### **Order dated: 19.11.2025**

Today is fixed for hearing in respect of an application for interim maintenance filed by the petitioner/wife against the OP/husband.

Both the petitioner/wife and the OP/husband are present by filing haziras. Both the Ld. Counsels for the petitioner and the OP made their submission at the hearing.

The case record is taken up for passing order.

OP had filed written objection against the original application of the petitioner and denied all the material allegations leveled against him. OP relies upon the said written objection by placing his argument in respect of petition under consideration.

The case of the petitioner/wife, in a nutshell, is that her marriage with the OP/husband was solemnized on 08.12.2022 as per Hindu rites and customs. At the time of their marriage her father presented dowry as per the demand of OP. After marriage, petitioner went to her matrimonial home and resided with the OP as husband and wife. She alleged that while residing at the matrimonial home, she was tortured physically and mentally by O.P. in different manner. Her father in-law used to give her ill proposal. OP had illicit relation with another women and when she protested she was assaulted by him and driven out. OP and his family member also tried to kill her. Many times they accepted their mistake and take her back to their house. But still the behavior of OP did not change. She was pressurized to bring cash of Rs.50,000/- and gold ornament for non fulfillment of such demand she was assaulted in the presence of her parents and elder sister and driven out. The matter was brought to the knowledge of local P.S. Finally, she was driven out in pregnant condition from the matrimonial home. Finding no other alternative she took shelter at her paternal home and on 23.04.2025 gave birth to her son named Mayukh Majumdar. Since the days of separation and after birth of the minor child OP has neither taken information about her nor has been maintaining her. She is a helpless lady having no independent source of income and has been put burden upon her parent. OP is financially person having dwelling house and landed properties. He has a business of selling building material and is also MR dealer. He earns Rs.2 lakh per month. Accordingly petitioner has claim interim maintenance for herself and for minor child of an amount of Rs.25,000/- and Rs.10,000/- per month

respectively.

In the written objection, the OP denied all the material allegations leveled against him. OP admitted his marriage with the petitioner as well as the paternity of the child. He is an educated person but does not have any job to do though he has appeared for many exam. He alleged that his sister-in-law (i.e. petitioners sister) is responsible for creating distance in between him and his wife. petitioner's parent and said sister instigated her against OP and his family member. Petitioner dislike OP and quarrel with him unnecessary. She also disrespect his elder family member and pressurized him to live as domesticated son-in-law. Still he tried to make her understand and live with her. On 14.02.2025 petitioner's family members came to his house, took away petitioner and all her belonging with them. When OP's mother protested, she was assaulted. OP has approached Kakdwip Court for enforcing his conjugal right against the petitioner but the petitioner did not react. He tried to meet with the petitioner and their new born baby but to effect. OP is a day labour and earns Rs.4,000/- per month. It is not possible for him to pay separate maintenance to the petitioner, who is voluntarily residing at her paternal home. Thus, prayed for rejection of interim maintenance.

Both the application of the petitioner as well as the written objection of the OP are supported by verification. Further more, both the parties have filed their respective affidavits of assets and liabilities in compliance with the observation of the Hon'ble Apex Court in the case of Rajnesh vs Neha. The veracity of the allegations and counter-allegations of each parties can only be ascertained at the stage of trial on the basis of evidence to be put forward by them.

The marriage between the petitioner/wife and the OP/husband has not been denied . Admittedly, the minor child is OP's son. It appears that petitioner and OP are residing separately. Allegation and counter allegation has been made which is the subject matter of trial. OP has not filed any document to show that he has been maintaining petitioner or their minor son during such days of separation. Petitioner has not produce any document in support of her claim regarding present monthly income of the OP/husband. On the other hand, the OP has also not produce any document. But he is found to be fit and able bodied person. Pending adjudication of the present case on the basis of further evidence to be adduced by both the parties during trial, the petitioner/wife being the legally married wife is entitled to claim interim maintenance from the OP/husband for herself and as such, I am inclined to allow the application of the

petitioner/wife claiming interim maintenance for herself and for her minor son.

Having regard to the facts and circumstances of the case, the purpose of the legislation, the present requirements of the petitioner as could be obtained from the pleadings and other materials, I am of the view that an interim maintenance of Rs. 3000/- per month each for the petitioner/wife and her minor son until further order would be reasonable.

Hence, it is

**ORDERED**

that the application for the interim maintenance filed by the petitioner/wife against the OP is allowed on contest but without cost. The petitioner is entitled to get an interim maintenance allowance of Rs. 3000/- per month each for herself and her minor son from the date of filing of this case i.e 19.03.2025.

The OP/husband is directed to pay the said maintenance allowance to the petitioner by the 7<sup>th</sup> of each succeeding month as per English calendar.

In case of default, the petitioner shall be at liberty to get the order executed as per law.

Fix 08.01.2026 for evidence.

A copy of this order is to be given to the petitioners free of cost.

A.C.J.M.  
Diamond Harbour  
J.O.Code : WB01221