

In the Court of Judicial Magistrate (2nd Court)
Diamond Harbour, South 24 Parganas (WB)
Present: Smt. Priyanka Zimba, WBJ S
(WB01293)

MAINTENANCE. CASE NO. 170/2024

Haimabati Mondal

Vs.

Bikram Mondal

Order dated 05-12-2024:

Today is fixed for hearing of interim maintenance petition.

Petitioner and OP are present and files hazira.

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

Heard the Ld. Advocate for the both parties in full.

The case record is taken up for passing order.

It appears that the interim maintenance petition has been filed by the petitioner praying for interim maintenance of Rs 10,000/- each per month for herself and her minor children total being Rs. 30,000/- per month.

Perused the case record and material therein.

Considered.

This is a case instituted u/s 125 of Cr.P.C by the petitioner namely Haimabati Mondal.

The petitioner's case in brief is that the marriage between the petitioner Haimabati Mondal and the O.P Bikram Mondal was solemnized about 10 years ago according to Hindu rites and customs. After marriage she started her marital life in his husband's house. Initially there was normal relation between the petitioner and the O.P but after few days of her marriage the husband i.e the O.P and his relatives started torturing her mentally and physically and pressurized the petitioner over demand of money and assaulted her. She was not given proper food and clothes. She was also instigated to commit suicide

The petitioner continued her conjugal life with hope of better days and during the said wedlock, two daughters namely Laboni Mondal (now aged 9 years) and Aparna Mondal (now aged 2.5 years) were born.

On 26.04.24, at 7:30 am the O.P and his family members demanded two lakhs more money and brutally assaulted the petitioner and drove her and her minor daughters from her matrimonial house only in her wearing apparel.

Under compelling circumstances finding no other alternative the petitioner started living at her paternal house along with her minor son. The petitioner has no income of her own to maintain herself where as the O.P is a solvent person having thirteen bighas of pond as well as three storied residential building which has been given in rent to 13 tenants. He has also purchased the property of cinema hall. He is money lending business and has socks business from where he earns about 60,000/- per month. Despite of having sufficient means the O.P has failed and neglected to maintain the petitioner and her son for which she has filed this instant case u/s 125 of Cr.P.C.

The O.P appeared before this court and filed his show cause petition and declaration of assets. No written objection against the interim maintenance petition is filed. It appears from the show cause petition filed by the O.P that the marriage and paternity is not disputed but he has denied all allegations against him and further stated that the petitioner is not entitled to any relief.

I have heard the Ld. Counsel for the petitioner as well as gone through the interim petition, show cause petition and the declaration of assets filed.

On perusal of the declarations by the parties, I find that the marriage and the children is admitted by the O.P. The petitioner residing at her paternal house is also admitted and it is also admitted that the O.P has not been paying any maintenance to the petitioner and his children.

The object of section 125 of Cr.P.C is to prevent vagrancy and destitute but herein the petitioner is staying at her father's house along with her two minor daughters at no amount of maintenance being paid by the O.P to her and her children. As such, I find that there is urgency in passing order of interim maintenance. Petitioner has stated that the O.P earns about Rs.60,000/- per month but there is no document in support of the same. The O.P in his declaration has mentioned his occupation as driver. The OP has mentioned his monthly income as Rs. 8000/- to 9000/- per month. If that be so I believe a

sum of Rs. **1000/-** (Rupees One Thousand only) for the petitioner and **Rs. 800/- each** (Rupees Eight hundred only) for her minor daughters totaling **Rs. 2600/-** per month will be reasonable as maintenance amount. All the other facts will be considered at the time of appreciation of evidence.

Hence, it is,

ORDERED

That the Petitioner is hereby allowed order of interim maintenance against the opposite party without any order of cost.

The Petitioner does get a sum of Rs. **1000/-** (Rupees One Thousand only) per month for herself and **Rs. 800/- each** (Rupees Eight hundred only) for her two minor daughters totaling **Rs. 2600/-** 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 10th day of each succeeding month of English Calendar.

The O.P is further directed to pay the arrear amount of **Rs. 18,200/-** in six equal installments along with regular monthly payment starting from January, 2025 to June, 2025.

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

To **22-05-2025** for evidence.

D/C

S/d-
JM 2nd Court DDH

S/d-
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(JO Code: WB01293)