

**Maintenance Case 184 of 2024**  
**Sabana Halder v. Tamijuddin Halder**  
**Present: Srishti Parasrampuriah (J.O.Code WB01503)**  
**Judicial Magistrate 1st Court, Diamond Harbour**

**Order dated 13.08.2025**

Today is fixed for hearing of interim maintenance.

Both the parties file hazira.

The OP has filed a petition for mediation.

Heard. Considered. The said petition is rejected as mediation has already failed on the previous date.

Now the record is taken up for passing order.

It appears from the materials of record that the marriage and children are admitted.

The record transpires that there are certain allegations and counter allegations made by the parties against each other. It appears from the petition and W/O that while the petitioner has contended that the OP earns Rs.30000/- from business of tailoring, the OP has denied the income categorically and has specifically stated that he earns Rs.4000/- to Rs.5000/- per month as a day labourer.

At this stage of interim hearing, there cannot be any final conclusion. Therefore, without final adjudication of this case, no finality as to the allegations and counter allegations can be arrived at. The quantum of income is also a matter of adjudication and cannot be decided at this nascent stage.

At the same time, it can be presumed that no wife who has spend substantial period of life at her matrimonial house will not likely live alone in her paternal house unless she is compelled to do so. It can also be presumed that a husband cannot escape from his liability of maintaining his wife and the children.

Under no circumstances, a husband is allowed to let his wife free in this hard and complex world to face every hardship of life alone. A husband cannot shift his liability on the plea that he does not have sufficient income. A husband must maintain his wife and children as per his ability.

It is also pertinent to mention that the cost of daily necessities have been increasing day by day.

In view of the above discussion noted above and considering the prima facie status of the parties as revealed from the materials on record and the current cost of living, this court is of the view that Rs.1000/- per month for the petitioner and Rs.500/- per month for her children to be paid, which will meet the extreme urgency of the petitioner at this stage of interim hearing.

Hence , It is

**ORDERED**

that the petition for interim maintenance is disposed of on contest and the opposite party is bound to pay Rs.1000/- per month for the petitioner and Rs.500/- per month for her children till the disposal of this case and that the opposite party is bound to pay the same within every 10<sup>th</sup> of the next month failing which the petitioner will be at liberty to put the order into execution.

This order shall remain effective from August 2025.

Let a copy of this order be provided to the petitioner free of cost.

Fix 29.11.2025 for evidence of the petitioner.

D/Corrected by me

Judicial Magistrate, 1<sup>st</sup> Court,  
Diamond Harbour

J.M., Diamond Harbour