

M Case- 247 of 2025

Order dated: 05.03.2026

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

The petitioner/wife filing haziras. OP is represented by his Ld. Counsel. OP files affidavit declaring assets and liabilities. Let the same be kept to the case record. 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 relied upon the written objection filed against the application u/s 144 BNSS and denied all the material allegations leveled against him.

The case of the petitioner/wife, in a nutshell, is that her marriage with the OP/husband was solemnized on 17.05.2003 as per Muslim rites and customs and their marriage was registered. At the time of marriage dowry was given including cash of Rs.1 lakh to the OP as per demand. After marriage with the OP she went to her matrimonial home and resided with him as husband and wife. While residing at the matrimonial home, she was ill-treated and physically and mentally torture for demand of further dowry. She was kept under starvation. Still she resided at her matrimonial home, hoping for better future and got conceived. They begotten a son named Yeasin Molla aged 8 months old. After birth of the said child, torture upon her was increased. She was pressurized to bring more money. When the demand was not fulfilled she was tortured severely. On 20.03.2025 she was physically and mentally tortured by OP and his family member for demand of Rs. 1 lakh. For non fulfillment of the demand she with her minor son was driven out from the matrimonial home. Finding no other alternative she took shelter at her paternal home. She reported the incident before Dholahat P.S. giving rise to bridal torture case. Since the days of separation OP has not inquired about them. He is not maintaining them. Petitioner has no independent source of income. OP is fit and able bodied person. He works in a factory manufacturing bag at Park Circus. He owns dwelling house, cultivable land and other landed properties. He earns Rs.40,000/- per month. Accordingly, petitioner has claimed monthly interim

maintenance for herself to the tune of Rs.8,000/- and for her minor son to the tune of Rs.2,000/-.

Inter alia OP by filing his written objection against the petition under consideration has denied the statements and allegations made against him save and except what have been admitted. According to OP petitioner is a stubborn, whimsical and quarrelsome lady. She disrespect him and elders of the matrimonial home. She used to roam about. Op further alleged that petitioner are four sisters and all her sisters are in a habit of filing false bridal torture complaint against their husband. OP was pressurized by the petitioner to live as a domesticated son-in-law. On 03.03.2025 again the petitioner pressurized OP to live with her at her paternal home as domesticated son-in-law. On refusal by the OP, she quarrel with him and voluntarily left the matrimonial home with their minor son. OP tried his level best to resume his conjugal life but all in vain. OP is a day labour and somehow earns Rs. 3,000/- to Rs. 4,000/- per month. His old parents are depended with him. Petitioner is an earning lady and does embroidery work wherefrom she earns Rs.10,000/- per month. According he prayed for rejection of the petition under consideration.

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.

OP has admitted his marriage with the petitioner as well as the paternity of the child. 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 child 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 filed document of income as claimed by him. 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 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. 1,500/- 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. 1500/- per month each for herself and her minor son from the date of filing of this case i.e 23.06.2025.

The OP/husband is directed to pay the said maintenance allowance to the petitioner by the 7th 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 07.05.2026 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