

M Case- 389 of 2023

Order dated: 03.07.2025

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

Both the petitioner/wife and the OP/husband are present by filing haziras. OP also files affidavit in respect of assets and liabilities.

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.

The case of the petitioner/wife, in a nutshell, is that her marriage with the OP/husband was solemnized on 10.06.2019 as per Hindu rites and customs with dowry presented by her parent. After marriage petitioner went to her matrimonial home and resided with the OP as husband and wife. Their marriage was consummated. While residing as husband and wife at matrimonial home she was physically and mentally tortured for demand of money. When she reveal that her father cannot fulfill the demand then torture upon her was aggravated. Still she is resided at the matrimonial home hoping for better future. Finally, on 20.01.2020 she was again physically and mentally tortured by the OP for demand of Rs.20,000/- and was driven out from the matrimonial home. Finding no other alternative she took shelter at her paternal home. Since the day of separation, OP as neither taken information about her. Petitioner is an helpless lady having no independent source of income. On the other hand OP is a fit and able bodied person having dwelling house, landed properties etc. He is by profession a smith. He earns monthly Rs.40,000/- from all sources. Accordingly, petitioner claims monthly interim maintenance for herself to the tune of Rs.8,000/-.

In the written objection and from the submission of Ld. Counsel, this court finds the OP denied all the material allegations leveled against him. OP admitted that petitioner is his wife. The petitioner was unable to adjust with the matrimonial family members. She pressurize OP to live domesticated son in law. The OP also alleged that the petitioner has illicit relation with some other person. The petitioner voluntarily left OP's company and is residing at her paternal home. Petitioner is by profession a tailor earning Rs.8000/- per month. OP is a day labour earing 3000/- per month.

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 by the OP/husband. Petitioner did 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.

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. 1500/- per month for the petitioner/wife 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. 1,500/- per month for herself from the filing of this case i.e 22.09.2023.

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 **24.09.2025** for evidence.

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

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