

In the Court of Judicial Magistrate (2nd Court)
Diamond Harbour, South 24 Parganas (WB)
Present: Smt. Priyanka Zimba, W B J S
(W B 0 1 2 9 3)

MAINTENANCE. CASE NO. 495/2024

CIS NO. 495/2024

Tuhina Bibi

Vs.

Ajhar Uddin Laskar

Order dated 11-08-2025:

Today is fixed for report of mediation.

Parties file their respective haziras.

Money receipt of Rs. 500/- is filed showing payment of amount of cost.

Report is received. It appears that mediation was unsuccessful.

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

I have heard the Ld. Advocate for both the 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/- per month for herself and Rs.10,000/- per month for her minor daughter total being Rs. 20,000/- per month from the O.P.

Perused the case record and material therein.

Considered.

This is a case instituted u/s 144 of BNSS by the petitioner namely Tuhina Bibi against the O.P named Ajhar Uddin Laskar.

The petitioner's case in brief is that the marriage between the petitioner and the O.P was solemnized on 14-02-2022 according to Muslim rites and customs at *Dinmohar* fixed at Rs. 3001/-. At the time of marriage, as per the demand of the O.P and his family members, the father of the petitioner had gifted cash Rs. 50,000/-, golden ornaments, furniture and other articles. After marriage, the petitioner went to her matrimonial house and started leading her conjugal life with the O.P. During the said

wedlock, one female child named Tasnim Sultana (present age 02 years) was born.

It is stated that after six months of marriage she was subjected to physical and mental torture by the O.P and his family members over demand of Rs. 2 Lakhs and motorcycle. She was not given proper food and kept in starvation. The petitioner continued her conjugal life hoping for better days when she gave birth to her daughter. The O.P and his family members increased the amount of torture after the birth of the female child. Several times there was settlement process initiated between the parties but the O.P and his family members did not comply. The petitioner was continuing her conjugal life somehow but on 20-11-2024 at 08:00 pm, the O.P and his family members snatched all her *Stridhan* articles and assaulted her brutally and also tried to kill her. On her raising hue and cry, the local people assembled and rescued her. At that time the O.P and his family members drove the petitioner out of her matrimonial house with her minor daughter. Finding no other alternative, the petitioner took shelter at her father's house and has been residing there since then. The O.P has not taken any information of their well being and also not paid any amount of maintenance to them. The petitioner also took treatment before the Diamond Harbour Hospital on 21-11-2024.

The petitioner has no income of her own to maintain herself and her child whereas the O.P is a solvent person having dwelling house and landed property. He is a mastor tailor and has 8-10 labors under him and and earns about Rs. 70,000/- per month. Despite of having sufficient means the O.P has failed and neglected to maintain the petitioner and her child for which she has filed this case u/s 144 of BNSS and the instant petition for interim maintenance.

The O.P appeared before this court and filed his show cause petition and declaration of assets. The O.P has not filed any written objection against the interim maintenance petition.

However, during hearing the Ld. Counsel for the O.P submitted that the O.P is ready to lead his conjugal life with the petitioner but the petitioner herself left her matrimonial home and therefore she is not entitled to get any interim maintenance. It is further submitted that petitioner never took care of the O.P and his parents and never participated in any household works. She always used to be busy in her mobile phone

and she never listened to the O.P or his family members. Instead she used to abuse them and insult them. The petitioner has herself left her matrimonial house voluntarily with her child. The O.P went to bring her back on several occasions but she did not return. The O.P was also pressurized to stay as domestic son-in-law. It is stated that the petitioner is not entitled to get any interim maintenance. The Ld. Counsel for the O.P prays for rejection of the application and dismissal of the case.

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

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

On perusal of the materials before this Court, I find that there is no prima facie materials suggesting urgency in passing order of interim maintenance in favour of the petitioner. The petitioner has not filed any document to support her allegations which can only be considered at the time of trial. However, since the child is admitted and there is no fault of the child in the dispute between the parents, the child is entitled to get the interim maintenance allowance.

Petitioner has stated that the O.P earns about Rs. 70,000/- per month but there is no document in support of the same. The O.P in his declaration has claimed himself as a day labour and mentioned that the petitioner also does *Jari* work and earns about Rs.10,000/- per month but no document has been filed in that respect. As such, considering the age of the minor daughter and keeping the idea of the object of the legislation and the principle of able bodied person, I believe a sum of Rs. 1500/- (Rupees One Thousand Five Hundred only) for the minor child 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 petition for interim maintenance filed by the petitioner against the opposite party is considered and allowed on contest in part and only for the minor child but without any order of cost.

The Petitioner does get a sum of Rs. 1500/- per month (Rupees One Thousand Five Hundred only) for her minor child 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. 13,500/- (November 2024 to July 2025) in five equal installments along with regular monthly payment starting from September 2025 to January, 2026 at the rate of Rs.2700/- per month.**

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

To **09-01-2026** for evidence.

D/C

S/d-

Judicial Magistrate,
2nd Court, DDH

S/d-

Judicial Magistrate,
2nd Court, DDH