

In the Court of Judicial Magistrate (2<sup>nd</sup> Court)  
Diamond Harbour, South 24 Parganas (WB)  
**Present: Smt. Priyanka Zimba, WBS**  
**(WB01293)**

**MAINTENANCE. CASE NO. 513/2024**

**Rubiya Khatun**

**Vs.**

**Firoj Khan**

**Order dated 07-07-2025:**

Today is fixed for hearing of interim maintenance petition.

Parties file their respective haziras along with some documents by fristi.

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/- per month for herself and Rs. 5,000/- per month her minor daughter total being Rs. 15,000/- 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 Rubiya Khatun.

The petitioner's case in brief is that the marriage between the petitioner Rubiya Khatun and the O.P Firoj Khan was solemnized on 03-10-2021 according to Muslim rites and customs and the same was also registered. At the time of marriage, the father of the petitioner ha given golden jewelries, household and other articles as per the demand of the O.P and his family members. After marriage she went to her matrimonial house and started her marital life but after few months the O.P and his family members started misbehaving with her and subjected her to physical and mental torture. During the said wedlock, one daughter was born on 06-09-2023.

It is stated that the amount of torture increased with the birth of the female child but the petitioner continued her conjugal life with hope of better future. The father of the O.P also misbehaved with the petitioner several times and on 22-10-2024 he outraged her modesty. When the petitioner stated about the same to the O.P, he abused her and directed his family members to oust her. On 26-10-2024, the parents and family

members of the petitioner assaulted her brutally and ousted her from her matrimonial house.

Under compelling circumstances finding no other alternative the petitioner went to her father's house. Since then she has been residing at her father's house and the O.P. has not taken any information about her well being and not paid any maintenance to her. The petitioner also filed a case against the O.P being Kulpi P.S Case no. 392/2024 dated 01-11-2024 u/s 85/115(2)/316(2)/3(5) of the BNS.

The petitioner has no income of her own to maintain herself and her daughter where as the O.P is a solvent person having residential and landed property, pond. He is civil supervisor of Skytech Solutions and earns about Rs. 55,000/- per month. Despite of having sufficient means the O.P has failed and neglected to maintain the petitioner and her daughter 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. The OP has not filed any written objection against the interim maintenance petition. Ld. Advocate for the O.P. during hearing has raised strong verbal objection regarding the interim application and mentioned that the petitioner has voluntarily left her matrimonial house and made false allegations against the O.P and his family members. Ld. Counsel further submitted that the O.P is not a civil supervisor but works in the said company and earns only Rs.10,000/- per month. The O.P however, has not objection regarding the maintenance to his daughter but has prayed for rejection of the interim maintenance for the petitioner.

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

The petitioner has filed the copy of identity card of the O.P showing his designation as Civil Supervisor. On the other hand, the O.P has filed a certificate issued by the circle manager of SKY Tech Solutions mentioning the income of the O.P as Rs.10,000/- per month.

On perusal of the declarations by the parties, I find that the marriage and the daughter is admitted by the O.P. Their daughter 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 the minor daughter.

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 minor daughter at no amount of maintenance being paid by the O.P to her. The petitioner has mentioned in her interim petition that she has been living in a miserable condition without any income of her own and without any help from the O.P. As such, *prima facie* I find that there is urgency in passing order of interim maintenance. Petitioner has stated that the O.P

earns about Rs. 55,000/- per month but there is no document in support of the same. The O.P in his declaration has mentioned his income as Rs.10,000/- per month and also filed a certificate to that effect. It is also evident that the O.P has mentioned his expenses towards the expense of his parents as Rs.2000/- in the declaration of assets and liabilities and no expense is incurred towards her sister whom he has shown as a dependent. As such keeping in mind the object of the provision and also the declaration by the O.P. and documents filed, I believe a sum of Rs. **2000/-** (Rupees One Thousand five hundred only) for the petitioner and **Rs. 1000/-** (Rupees One Thousand only) for her minor daughter totaling **Rs.3000/-** 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. **2000/- (Rupees Two Thousand only)** for herself and **Rs. 1000/- (Rupees One Thousand only)** for her minor daughter **total being Rs.3000/-** 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 10<sup>th</sup> day of each succeeding month of English Calendar.

The O.P is further directed to pay the arrear amount of **Rs. 21,000/-** (3000 X 7) in five equal installments along with regular monthly payment starting from August, 2025 to December, 2025 at the rate of Rs.4200/- per month.

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

To **16-10-2025** for evidence.

**D/C**

S/d-  
**JM 2<sup>nd</sup> Court DDH**

S/d-  
**JM 2<sup>nd</sup> Court DDH**  
**(JO Code: WB01293)**