

MR. CASE NO. 156 OF 2023 (CIS)
JO CODE : WB 01317

Order Dated: 11.09.2024

Today is fixed for passing order of contested interim hearing.

OP is present but petitioner is absent without steps.

Heard both the parties on a previous occasion. Perused the case records and considered.

According to the wife, she has been married to the OP on 30.04.2021 but within few days of her marriage she has been subjected to mental and physical cruelty for demand of dowry of Rs. 3 lakhs and the torture increased after non fulfillment of such demand and on 02.05.2023 the petitioner informed the PS about the assault upon her and the police arrested the OP and his family but they gave written undertaking in front of police not to inflict torture upon the petitioner but then also nothing changed and on 14.07.2023 at about 1 am the OP and his family members assaulted her and even tried to kill her by pressing pillow on her mouth and she was treated at Islampur SD hospital and since then she is residing at her mother's house.

According to the petitioner, the OP never maintained her although he is an able bodied person and earns Rs. 70,000/- to Rs. 80,000/- pm by working at Indusind Bank and having two ration dealerships and have 5-6 cars of his own and 3 houses which are in rent.

Accordingly, the petitioner has prayed for an interim maintenance of Rs. 40,000/- per month.

The OP appeared in this case and filed any WS but admitted his marriage. However, he added that on 14.07.2023 his birthday party was arranged by the petitioner herself and only over an issue of hot altercation she left her matrimonial home with all her belongings and that she manufactured the police case as it was the allegation of the petitioner that the alleged incident took place at about 1 am but the FIR was received at about 19.55 hours at Islampur PS. The OP further denied about his job and stated that due to his negligent conduct he has been fired from his job which was contractual in nature and he is totally dependent on his parents. It has also been claimed that at the time of marriage, the OP and his family gave sufficient ornaments to the petitioner which are still with her.

The petitioner filed copy of her medical documents and also the FIR dated 14.07.2023 and the written declaration of the OP and his mother and some photographs.

The OP on the other hand filed copy of Life Insurance policy of the petitioner and another photograph of her.

During hearing Ld. Advocate for the petitioner never denied that the said Life Insurance policy does not belong to the petitioner. Therefore, I do not find any bar to rely upon such policy and upon careful perusal it comes out that the annual income of the petitioner has been mentioned therein as Rs. 12,00,000/- per year from food and beverages business.

Therefore, I cannot say that the petitioner cannot maintain herself and if the annual income of the petitioner comes out to be Rs. 12,00,000/- per year, she will be earning Rs. 1,00,000/- per month which comes out to be more than the OP, as claimed by the petitioner herself.

Thus, in view of the above, I am of the considered view that the petitioner is not entitled to get any order of interim maintenance.

The instant application thus fails.

Hence, it is

ORDERED

that the application for interim maintenance is rejected **on contest.**

To **25-11-2024** for SC by petitioner and if accepted contested evidence.

JM, Islampur