

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE**

**BONGAIGAON**

**Misc No 42/13**

SmtiSapnaSutradhar

...1<sup>st</sup> party

Vs

Sri NarenSutradhar

....2<sup>nd</sup> party

**Charged u/s: 125 Cr.PC**

Present: Smti.M.De

CJM,Bongaigaon

Counsel for 1<sup>st</sup> party: Sri P.Das

....Advocate

Date of recording evidence: 29.11.14

Date of exparte order :10.12.14

**ORDER**

The 1<sup>st</sup> party is represented.This order relates to a petition dated 10.6.13filed by the 1<sup>st</sup> party SmtiSapnaSutradharagainst her husbandSriNaren Sutradhar,2<sup>nd</sup> party,formaintenance.The 1<sup>st</sup> party in the aforesaid petition states

that she was married to the 2<sup>nd</sup> party about 13 years back and stayed as husband and wife as a result of which they have two children named BalramSutradhar aged 11 years and RadhikaSutradhar aged 5 years. Thereafter, the 2<sup>nd</sup> party started taking intoxicants and started to torture the 1<sup>st</sup> party and often demanded money from her and he assaulted her and drove her out of the house. Finding no alternative she took refuge in her father's house. Hence, she filed this instant application for maintenance as the 2<sup>nd</sup> party never enquired about her.

The notice to the 2<sup>nd</sup> party is properly served on the 2<sup>nd</sup> party.. But he subsequently failed appear in the Court to proceed with the case and the same proceeded ex parte against him. The 1<sup>st</sup> party is examined and discharged. The 1<sup>st</sup> party is examined in a similar manner as to what is stated by her in her petition. She further adds that the monthly income of her husband is around fifteen thousand rupees and therefore, capable to pay maintenance.

The second party has never appeared before the court to negate the version of the 1<sup>st</sup> party and the case proceeded ex parte against him and hence I have got no reasons to disbelieve the contents of the petition filed u/s 125 Cr.PC by the 1<sup>st</sup> party. Besides, a husband is duty-bound to pay maintenance to his wife and minor unmarried children and hence, I have got no hesitation to allow this instant petition filed by the 1<sup>st</sup> party. In my view, justice would be meted out if the 2<sup>nd</sup> party is directed to pay a monthly allowance of Rs 1000 each to the 1<sup>st</sup> party and the two minor children that is in all Rs 3000 per month. Accordingly, direction is made. The 2<sup>nd</sup> party shall pay a monthly maintenance of Rs 1000 each to the 1<sup>st</sup> party and the two minor children that is, in all, Rs 3000 per month and the instant order is effective from the date of this order.

CJM,

Smti.M.De,

Bongaigaon.

