

IN THE COURT OF SDJM (S) SONITPUR, TEZPUR, ASSAM.

MR. NO : 25 of 2013

Smti Monowara Begom.... Petitioner  
Vs.  
Sri Mojibur Rahman..... Opp. Party

Present : ABDUL KADER  
SDJM (S) Tezpur, Assam.

Counsel for prosecution: Mr. P. Sing  
Counsel for the defence: None

Date of evidence : 20.03.2014.  
Date of argument : 24.04.2014  
Date of judgment : 22.05.2014

### J U D G M E N T

#### **(Ex- parte )**

The case of the petitioner in a nutshell as bellow :

The petitioner Smti Monowara Begom filed a petition under section 125 Cr.P.C. praying for granting maintenance @ Rs. 3000/ for herself. She stated that she was married with the opposite party in the year of 2009 and started conjugal life. Since after marriage the Opposite party used to torture the petitioner demanding dowry. Consequently the petitioner left the matrimonial house . The OP refused to provide any maintenance to her.

The Opposite Party even after receiving summon did not appeared and contested the case. Hence the case proceeded Ex-party.

During the course of proceeding the petitioner side examined one PW and the OP remained absent.

Heard argument of learned Counsel of the petitioner and learned counsel of the OP.

#### POINTS FOR THE DECISION :

- I. Whether the petitioner is the wife of the Opposite party ?
- II. Whether the OP having sufficient mean neglected to provide maintenance to the petitioner and her minor child ?
- III. Whether the petitioner and the minor children are entitled to maintenance, if so , what would be the quantum of the maintenance ?

**DECISION AND REASON THEREOF:****DECISION ON POINT NO-I:**

The PW-1 ( Petitioner) stated that she was married with the OP in 2009 and started conjugal life. Kabin Nama is produced and exhibited. Hence it is held that the petitioner is the wife of the Opposite party.

**DECISION ON POINT NO- II :**

PW-1 stated that she was married with the opposite party in 2009 and started conjugal life. After one and half month she came to know that her husband used to maintain illicit relation with his brother's wife. After marriage the OP started to torture upon her Demanding dowry. Once she gave Rs. 5000/ to him, but again her husband started to demand dowry Rs. 10,000/ . Due to torture she left the matrimonial house. She took shelter at the house of her parents. Her father is a Thela Puller. She also stated that the OP has sufficient source of income and he is a Mason and also having cultivation and his monthly income is Rs. 10,000/ to 15,000/.

From the above evidence it is clear that the OP having sufficient mean neglected to provide maintenance to the petitioner and her minor daughter.

**DECISION ON POINT NO- III :**

It is appeared that the petitioner is the wife of the OP and as such entitled to maintenance from the OP.

So far as quantum of maintenance is concerned, the PW-1 stated that the OP used to do work as Mason. The PW-1 stated that the OP has sufficient source of income and his monthly income is Rs. 10,000/ to Rs. 15,000/.

Considering above the OP is directed to pay Rs. 1000/ per month to the petitioner from the date of order.

Given under my hand and seal of the court, on this 22th day of May 2014.