

**IN THE COURT OF SUB-DIVISIONAL JUDICIAL
MAGISTRATE(M), GOHPUR**

PRESENT: SRI KAUSHIK KUMAR SHARMA

S.D.J.M(M), GOHPUR

Misc. Case No. 62/12

U/S 125 of Cr PC.

Smti Jurimoni HandiqueFirst Party/Petitioner

v.

Sri Rajen Saikia.....Opposite Party

Ld. Advocates: For First Party.....Sri Padma Bora

For OP.....Sri Heremba Hazarika

Evidence Recorded on : 15.10.14, 10.2.15, 27.2.15

Argument heard on:27.4.15

Judgment delivered on: 18.5.15

J U D G M E N T

1. The case of the first party, in brief, is that the first party is the legally wedded wife of the opposite party. Their marriage was solemnized on 08.3.12, following social customs and rites. After marriage, the Opposite party(OP), had demanded Rs. 1 Lakh as dowry from her, but when she could not bring the money from her home, he had harassed her and hurled abuses at her. He did not treat her as his wife. The first party had tolerated all these tortures. But the OP and his family members had beaten her over

trivial issues. On 20.06.12, when the mother and sister of the first party had come to take her with them, the OP, had chased them away, and had beaten the first party. On 22.06.12, the brothers of the first party and some elderly people, had recovered the first party from the house of the OP, with the help of people. Since then, the first party has been staying in her parents' house. The OP has neglected to maintain her and has not taken care of her. The OP is a teacher in the Mijika LP School, and earns salary as govt. employee. Further OP has 20 bighas of land and he earns about Rs.2lakhs per year from cultivation. On the other hand, the first party has to do daily labour for her sustenance. Hence, the first party has claimed Rs.8000/- as monthly maintenance from the date of the institution of the case i.e from 4.09.12.

2. In reply, the Opposite party, Sri Rajen Saikia, in his written statement, has mentioned, in brief, that all the allegations of the first party against him are false , baseless and concocted. He had never demanded dowry of Rs. 1 lakh from her, and did not harass her in the name of dowry. The family members of the first party had never tortured her in any manner. The allegations of the first party about the incidents on 20.06.12, are false. He also stated that on 22.06.12, when the first party had expressed her desire to go with her brother, he, himself, gave her permission. But from then onwards, the first party has been staying at her home. He had gone to bring her back. The first party had assured him that she would come within 2 days, but she never came, but rather, lodged a case against him. The OP has also stated that although he is working as "sikshamitra" in Mejika, 5 No. line, LP School, but he does not draw any salary. On the other hand, the first party wants to live life in luxury, and did not want to do any household work. She wanted him to live separately with her. When the OP did not wish to live separately, she had left his house on her own wish. OP does not have 20 bighas of land and it is false that he earns Rs.2 lakhs from cultivation. He has no

land in Biwanath Chariali. OP has no income source of his own. Hence, he cannot give Rs.8000/- as maintenance .

3. POINTS FOR DETERMINATION:

- a) Whether the first party, Smti Jurimoni Handique is the wife of the Opposite Party, Sri Rajen Saikia?
- b) Whether the first party has left the society of the OP, without sufficient reason?
- c) Whether the Opposite Party, had neglected to maintain the first party, as alleged?
- d) Whether the opposite party has sufficient income to maintain his wife?
- e) Whether the first party is unable to maintain herself?

DISCUSSION AND DECISION BASED ON REASON:

4. PW1, Smti Jurimoni Handique, she has filed this case against her husband, Rajen Saikia. She stated that their marriage was solemnized on 08.3.12, as per social customs and rites. After marriage, she stayed with her husband for three months as husband and wife. Her husband started to beat her, over trivial issues. Her husband used to avoid talking to her. On 20.06.12, her husband had insulted her mother in his house. She also stated that unable to tolerate the torture caused to her, she had left her matrimonial house on 22.6.12. On 22.6.12, there was a public meeting over the issue, where she told them to take her to her home. She stated that she had lodged a case in the Biswanath Chariali police station over the issue of torture on her.

Since then, she had been living with her mother. Her mother has died. She stated that she has been staying with her brother, at present. She stated that her husband had never look after her or took care of her.

5. She stated that her husband is a teacher in a L.P School, at Mizika Bagan. She stated that her husband did not inform her, regarding the salary earned by him. She stated that her husband has 20 bighas of land, where he carries out paddy cultivation. She stated that only her mother in law stay with him. She stated that she does not want to lead a family life, as her husband does not call her or talk to her. She stated that she has sought Rs.8000/- (per month) for her maintenance, from the date of institution of this case. She stated that her husband is like a sick person. She stated that her husband did not state that he has illness, but he is like a sick person.
6. In her cross examination, she stated that she does not know the kind/type of sickness or illness of her husband. She stated that she had suffered injury as a result of the assault on her. She has not submitted any medical document relating to her treatment. Her husband used to beat her after attending the ceremony, "aath-mongla". Her husband had slapped her. Her husband tried to burn her. On being informed by her, the village people and her family members had come. The village people such as Rama Handique, Thaneswar Lahon etc, had come on 22.6.12. They came to this house of her husband and people had assembled there, but she does not know their number. In the meeting, there was written agreement between the two sides. She has not submitted any such written document in this case. In that meeting, it was decided that she be brought back. As per the decision of people, she was brought back. She also stated that the case, which she had lodged in police station, did not proceed. She denied the suggestion that she did not lodged an FIR in police station and that she did not submit copy of the FIR in this

case. She also stated that perhaps, the school, in which her husband is doing his job, has become a govt. school. She denied the suggestion that the said school was never a govt, school and is still not a govt. school. She denied the suggestion that her husband works in that school as "sikshamitra" and earns only Rs.1100/- per month. She also stated that she did not accompany with her husband to see his land property. She stated that she does not know the Dag No. and Patta No. of the land. She does not know, in whose name the land has been registered. She denied the suggestion that there is no land in the name of her husband. She denied the suggestion that she had married him when she was told that he has land , but when she discovered, later on, that her husband has no land in his name, she had left his society.

7. She also stated that the old mother and unmarried sister are staying with her husband. She denied the suggestion that the opposite party is a daily labour and hence, she had left him on her own, as she was unable to stay with him. She denied the suggestion that the OP did not tell her to leave his house. She denied the suggestion that after coming to know that the OP is poor, she had left the house of the OP. She stated that even if the OP desires to bring her, she cannot go to his house. She denied the suggestion that the OP cannot pay her Rs.8000/- as monthly maintenance for her. She denied that suggestion that she is not entitled to any maintenance.
8. PW2, Sri Ramananda Bora, in his examination in chief has stated that he knows the first party, as she resides near to his house. The Opposite party is the husband of the first party. He came to know about the OP, after their marriage. The marriage between the first party and the OP was solemnized as per social customs and rites of Hindu religion, on 08.3.12. He was present during the marriage ceremony. He had heard that the OP did not give the status and respect to the first party as his wife from the "aath-

mangla" ceremony. He also stated that the first party had informed her family members that the OP used to beat her and did not provide proper food to her. The OP used to assault her by demanding dowry. The OP had demanded Rs.1 lakh from her. After about 3 months, the mother and the sister of the first party came to the house of the OP to bring the first party, but they were insulted and were driven away. He stated that he was in the position of V.D.P., and that the mother of the first party had lodged complaint before him, initially. On the next day, a case was lodged at the Biswanath Police station and the first party was recovered from the house of the OP, with the help of police. There was no decision of the public. Thereafter, the first party has been staying in her home(of parents).

9. PW2 has stated that the OP is a teacher of LP School. The OP has a land measuring about 20 bighas. The elder brother and sister stay in the house of the first party. Her mother had expired. The OP has land in Biswanath Chariali town. After this incident, the first party had a kind of mental illness. She suffers for somewhat memory loss. He stated that till date, the OP did not give any money for the maintenance of the first party, and did not take care of her.
10. In his cross examination, he has stated that she has been working as VDP Secretary from the year 2008. The distance between his house and that of the first party is about 70 meters, and there are about 15 houses in between their houses. Near the house of the first party, the house of her uncle, Sri Umesh Handique is situated. He stated that the first party had informed him about the incident, in the "aath- mangla" ceremony. She had told him about the dowry demand. She told him, when he was alone, but he did not take any step as VDP Secretary. After three months, her mother and her elder sister had gone to bring her back. Her mother had told him that she was driven away. On the next day, he along with Thaneswar Lahon, Jeet Lahon, Rupak

Lahon etc had gone to the police station and lodged a written complaint. On that day, the first party was recovered from the house of the OP and later on, her dowry articles were also recovered. He denied the suggestion that no police personnel had gone to recover first party. He also stated that the OP works at a LP school in the garden(tea-garden). As stated by the first party, Jurimoni, the OP has land property at Biswanath Charilali, but he never visited the land site and did not saw any land document. He denied the suggestion that the OP has no land property and that Jurimoni had lied to him. He also stated that he did not take any step for mutual settlement of both the parties. He stated that he had heard that the OP works in a Govt. School. He denied that the assertions about dowry demand, assault, and confinement are false. He denied the suggestion that no incident had taken place as stated by him.

11. PW3, Sri Jit Jyoti Handique, in his examination in chief has stated that the first party, Jurimoni, is his elder sister. The Opposite Party, OP, is her husband. The marriage between his sister and teh OP, Rajen Saikia was solemnised on 08.3.12. OP is a teacher. After their marriage, the OP had started to torture his sister. After about 3 months of their marriage, the OP had come to assault his mother and sister. The OP had demanded Rs.1 lakh as dowry. The OP had insulted his mother and sister, Lakhimoni Handique. He also stated that they had gone to the house of the OP with the village people on 22.06.12, with police. The VDP Secretary, Sri Ramanand Bora was with them. The people from the side of the OP, had come to assault them. However, Jurimoni could be brought from there, with the help of police. Since then, Jurimoni has been staying with their in their house. He also stated that their mother had died. He stated that he is under depression as to how they would survive. He stated that OP is a teacher. The OP has land property at Biswanath Chariali. The OP has, himself,

stated about the land. The OP has not paid anything towards the expenses of the first party. The first party is staying with him.

12. In his cross examination, he stated that about 7/8 policemen had gone to the house of OP. A police officer of Inspector rank had also gone there. He stated that he along with Ramananda Bora, Rama Handique etc had gone (to the house of the OP). 15-20 persons had gone to the house of OP. The police was called when they were not allowed to enter the house of the OP. He stated that his mother and sister did not stay in the house of the OP. He stated that after the case, no treatment of his sister had taken place. Jurimoni had told him that the OP used to demand money after their marriage. He stated that they had gone to bring Jurimoni when she was being beaten. Jurimoni had told him over phone about the tortures committed on her. The house of Ramanand Bora is 2 KM away from his house. Ramananda Bora is not related to them. When Police was brought, no meeting had taken place. The OP had told him that he works as a teacher at a school in the tea garden. There was no convenient occasion to see the land of the OP after the marriage. He denied the suggestion that after knowing the fact that the OP has no land property and govt service, they had brought Jurimoni from the house of the OP. He denied the suggestion that no police had gone there and Jurimoni was brought on the pretext that she was brought only for 2 days. He stated that OP has an old mother and an unmarried sister. He denied the suggestion that the OP does not do govt. service and only earns Rs.1100/- per month. He denied the suggestion that OP will take proper care of his sister.
13. DW1, Sri Rajen Saikia, the OP, in his examination in chief has stated that the first party, Smti Jurimoni Handique is his wife and that their marriage was solemnized as per social customs and rites. He stated that everything was fine till three months of their marriage, but thereafter, on 22.6.12, about 10 people from the side of his wife came and they took away his wife from his

house. At that time, he was in school. They did not state the reason why his wife was taken away. He had gone to bring her back, but she told him that she would come, later on. She did not come and rather, lodged a case.

14. He stated that he had given due treatment to the first party as his wife. He stated that he did not demand any dowry. He also stated that he did not hurl abuses on her and did not beat her. He has a 90 year old mother. His mother and unmarried sister stay with him. They did not torture the first party. He stated that he had worked as "Siksha-mitra" till 2011 and had earned Rs.1100/- per month as such. He stated that at present, he is not working as such. He has stated that he has submitted document in the Court to prove that he is not working as such anymore. Ext "Ka" and Ext "Kha", as the said documents, submitted in the Court today. He has no land property. He stated that there is 12 bighas of farm land in the name of his mother. He does not earn Rs.2 lakhs as income. He can somehow sustain himself for the year. He has also stated that he has no land property at Biswanath Chariali. There was no public meeting and discussion on 22.06.12 , in his house. He has no capability to pay Rs.8000/- as monthly maintenance to the first party. He is willing to take the first party with him if she wishes. The first party had left his house without any reason. His earlier service is not a govt. service. The service was given to him by the Committee. He has no capacity to pay any maintenance. He has stated that whatever money he earns by cultivation, he can somehow, maintain himself, his mother and sister.

15. In his cross examination, he has stated that his house is 11 KM away from the police point of Biswanath Chariali. The marriage was solemnised as per social norms and rites. At the time of marriage, he was working as "siksha mitra" at Mejika LP School, 15 No. line. The said school is a govt. school, inside the area of Mejika Tea estate. His brothers, namely, Dashrat Saikia, Dijen

Saikia and Dipen Saikia, reside near his house. He stated that his brothers do cultivation. He stated that he resides at the old house. He stated that his brother, Dipen Saikia, had taken all the responsibility of his(OP) marriage. Dipen had taken the entire responsibility of his family. He stated that in the house of his wife, her mother, elder brother, two younger brothers and one sister reside. The sisters are unmarried. Her elder brother had arranged the marriage for the first party. His wife(first party) had given dowry articles at her marriage. There was never any unpleasant situation between him and his wife. He does not know anything before 22.6.12. On that day, he was performing exam duty in the school. He was informed about it by Bipul Kurmi over phone. He came to his house at 12:30 PM, and did not find his wife. His sister in law, Smti Rina Saikia, who is the wife of Dashrat, told him that the family members of his wife had come and took his away with them. He did not approach the police station, He had called up his wife, who told him that she had left his place. He, then, told her that he would come on the next day. When he had gone to her house, she did not come with him. He denied the suggestion that he has deposed falsely. He stated that his mother in law has died, but does not know when she had died. After marriage he had gone to the house of his wife three times, but did not stay there. He does not remember the dates. He denied the suggestion that he had assured his wife that he would give her a job. He denied the suggestion that he had mentally tortured his wife. He denied the suggestion that he had underestimated her threatening her as a village woman. He denied the suggestion that he had demanded dowry from her; that he had created a situation forcing her to leave his house. He stated that his wife had lodged a case u/s 498A of IPC against him and his sister, which is pending at the Court of Biswanath Chariali. He denied the suggestion that he had deposed falsely that he has no job. He denied the suggestions that Ext "Ka" is not a certificate

issued by Mejika LP School, rather a certificate issued by District Office. He stated that the signature present on the Ext Ka is of District Sir, but he does not know his name. In the Ext Ka, he had shown his name and address writing in ink. In that document, his salary is not mentioned. He denied the suggestion that Ext Ka is training certificate. He denied the suggestion that he had submitted the Ext Ka to misguide the Court. He denied the suggestion that the LP school is not school belonging to the Tea Graden, and that he had concealed the fact of his service. The full name of the issuing authority of Ext Kha is not mentioned therein. It cannot be said as who is the issuing authority from the short signature. He denied the suggestion that he had submitted the two documents only to misguide the Court, to escape from the duty to may maintenance. He has shown his passbook to hsi wife, where his salary has been mentioned. He denied the suggestions that a) that he did not show the passbook, b) that he has a service/job; c) that he has no farm land; d) that his mother does not stay with him; e) that his mother is looked after by his brothers; f) that he had caused his wife mental torture and hence, she could not stay there. He stated that his wife has not married again. He stated that he had not read the case(petition) filed by his wife. He denied the suggestion that his written statement is not his reply. He has also denied the suggestion that he is able to give maintenance to his wife.

16. DW2, Sri Bipul Kurmi, in his examination in chief has stated that the OP reside near his house. The two parties are husband and wife. On 22.06.12, he was in his field. He saw that people from the family of the first party had come to the house of the OP. At that time, the OP, Rajen was in school. The mother of the OP, ageing 55 years old was there. He had called up Rajen. When Rajen came, the family members of the first party had taken the signature of the OP on the road and then took the first party with him. He frequently used to visit the house of Rajen , and he did

not witness quarrel in his house. He stated that the mother, sister and a small boy reside in the house of Rajen. He stated that Rajen is working in a school, but the job is not a govt. job. He also stated that Rajen does tuition two times a day. This is the way the OP and his family members are leading their lives.

17. In his cross examination, he has stated that today, he has been brought by Rajen. He has not deposed as witness in any other case. He stated that police did not visit their place in relation to any incident between them. His house is situated 3-4 houses away from the house of Rajen. The house of Rajen is situated 4/5 KM away from his school. The OP has been working in the school for good number of days. The name of the school is No.15, Mejika LP School. No quarrel had taken place between them. Rajen did not tell him about his internal matters. He also did not ask the first party about their internal matters. He never visited the house of the first party. There are two elder brothers of the OP. Rajen lives alone. The brothers of the OP have no service. He denied the suggestion that he had deposed falsely as tutored by Rajen. He stated that Rajen has an Assam type house having 4 rooms. The house is new. The mother and sister stay with Rajen. He also stated that the family of Rajen has 4/5 bighas of farm land . Rajen has no land in the Biswanath Charali town. He denied the suggestion that he had deposed falsely.

18. DW3, Sri Satyendra Prasanna Saikia, in his examination in chief has stated that the OP, Sri Rajen Saikia is his nephew. The marriage between the two sides was duly solemnized as per social norms and rites. He stated that now, Juri(first party) does not live with Rajen. He does not know what had happened between the two. One day, suddenly, the family members of Juri came and took her away along with the properties of Juri. He stated that a 80/90 years old mother and a sister stay with Rajen.

Rajen leads his life by doing tuition. He has no service. He does not know about any incident of assault by OP. He stated that if there was any incident of dowry demand then the village people would know about it. He also stated that Rajen has no govt. job. Juri did not tell him or the village public, about the issue of torture.

19. In his cross examination, he has stated that along with Rajen, there are four brothers. The three brothers of Rajen live in Kharasimalu gaon. Rajen lives in their old house. Dipen has a shop business in Biswanath Chariali. Rajen had worked as "Sikhamitra" in the Mejika School. But now he is not working as such. He had worked as "sikhamitra" for a few days. He stated that he does not know who are there in the family of the first party. He had heard that the mother of the first party has expired. He does not know whether Juri had lodged a police case also. He has denied the suggestion that he has deposed falsely that Rajen is not working in the school. He stated that Rajen has farm land. But the area of the land is less. The land was partitioned into four parts. Rajen has got his part. The other brothers of Rajen have sold their respective parts of land. He stated that Rajen has no land in the town. He stated that he does not know, whether the OP had tortured the first party.
20. DW4, Sri Purneswar Bora, in his examination in chief has stated that his house is situated in front of the house of Rajen Saikia. The first party is the wife of Rajen Saikia. He stated that the allegation that the OP had committed torture on the first party is false. He has good relation with Rajen and visits his house. At present, Rajen stays in his house and does not do anything. Earlier he used to work as "Sikhamitar" in a school. But now that job is over. He also stated that Rajen does not cultivate on his own, but let others to work on the field as "adhi". At present, Rajen is with his mother and sister. His mother is ill. The farm

land is not in the name of Rajen , but it is in the name of his mother.

21. In his cross examination, inter alia, he has stated that he does not know any incident of torture caused by the OP on his wife. Had there been any such incident, he would have known it. He stated that he had gone to the house of Rajen on the next day of his marriage. Thereafter, he had not gone to his house. He also stated that he does not know the internal matters between the two sides. The OP had worked in 15 No. line, school. But he does not know the name of the school. He stated that he does not know, from which date the OP had started to work as such. He stated that the OP's family has about 4/5 bighas of land. He has not seen in whose name the land is registered. He had only heard about it. He stated that OP has no land in Biswanath Chariali. He denied the suggestion that he had deposed falsely. He has been asked to depose today by Rajen.

APPRECIATION OF EVIDENCE:

POINT NO.1:

22. The factum of a valid marriage between the first party and the opposite party, has been asserted by the first party and the same has been admitted by the opposite party(OP). So the factum of marriage between them is proved.

POINT NO.2

23. The case of the first party rests, primarily, on the assertion that the OP used to commit acts of cruelty and dowry harassment on the first party, which led her to leave the society of her husband(OP). This fact has been asserted by the first party(PW1) was supported by PW2 and PW3. The first party, in her evidence, has stated that she could not tolerate the torture caused to her, and had left her matrimonial house on 22.6.12. On 22.6.12, there was a public meeting over the issue, where she told them to take her to her home. She also stated that she has lodged a police

case against her husband. PW2, who was the VDP Secretary, at that time, has stated that complaint was lodged by the mother of the first party, before him, about the torture on her daughter, and thereafter, the first party was recovered from the house of the OP, with the help of police. PW3, the brother of the first party, has also stated that the OP used to beat his sister and had demanded Rs. 1 lakh as dowry. He has also stated that on 22.6.12, his sister was brought from the house of the OP, with the help of police, and since then, his sister has been living with him.

24. The OP(DW1), DW2 and DW4, have denied that the OP had committed torture on the first party. DW3, has stated that he does not know what had happened between the two parties. I find the evidentiary value of DW2 and DW3, regarding their assertion that the OP did not beat his wife, weak, because, DW2, has stated, in his cross examination, that OP did not tell him about the internal affairs of OP, nor did he ask the first party about it. DW2's house is situated 3-4 houses away from the OP, and hence, it cannot be said that he knew what all had happened between the OP and the first party in their private life. Further, DW4, has stated that he had visited the house of OP on the next day, after the marriage and since then, he had never visited the house of OP. He has also stated that he does not know about their internal matters. Thus, it appears that DW4, had no occasion to know about what happened between the two parties. Therefore, the assertion of DW4, that the OP did not torture his wife, is unreliable.

25. It is also true that there is no eye-witness to the assertion of PW1 that OP had tortured her. But the fact of lodging police case against the OP, by the first party and the recovery of the first party from the house of OP, with the help of police, at least, show that there was quarrel between the first party and the OP. It cannot be said that a wife would lodge police case against her

husband, without any valid reason. Further, neither the OP nor other DWs, did not state any ground, which can be said to have led the first party to lodge a false police case against her husband.

26. Hence, in the light of the above, I am of the considered view that there was sufficient cause, which had led the first party to leave the society of her husband.

POINT NO.3:

27. PW1 has stated in her evidence, that since the day she had left the house of the OP, i.e since 22.6. 12, the OP did not look after her. She stated that she has been staying with her brother. PW2, has also stated that OP has never paid anything towards maintenance of his wife till date. Likewise, PW3, has also stated that OP has not paid for the expenses of his sister(first party), and she has been staying with him. Furthermore, the OP , in his evidence, did not assert that he has paid for the maintenance of his wife, after she had left his house. This is sufficient, to show that the OP had neglected to maintain his wife, the first party.

POINT NO.4:

28. PW1, has asserted that the OP is a teacher in the Mejika school in the Mejika Tea-estate. This assertion has been denied by the OP, who has stated that he used to work merely as "sikshamitra" in the school till 2011, where he used to earn Rs.1100/- per month. OP has stated that now he is not working there. But, OP had contradicted himself, when he stated that on 22.6.12, when his wife had left his house, he was in the school, doing exam duty. Further, in his written statement, he has stated that although he is working as sikshamitra, he does not draw salary. This is contrary to his assertion, in his evidence, that he used to work as "sikshamitra" till the year 2011 only. DW2, Sri Bipul Kurmi, who is a neighbour of OP, has also stated that on 22.6.12, the OP was in his school. He also stated that OP has been working in the 15 No. Mejika LP School, for good number of days. Thus, it appears

that the OP has been working in that school. However, it is not established in what capacity, the OP has been working in the school. Further, the Ext Ka and Kha, are not duly proved, by the OP, by producing and examining the issuing authority of the said two documents. Hence, the content of the documents is not proved.

29. Apart from that the fact that OP performs cultivation over farm land is proved by the evidence of the OP himself and DW3 and DW4. DW3 has categorically stated that OP had farm land, but the area is less. DW2 has also stated that OP does tuition twice a day.
30. Thus, from the above, I am of the considered view that OP has the capacity or ability to pay maintenance to his wife.

POINT.NO.5:

31. From the evidence of PW1, PW2 and PW3, it is proved that PW1 has been staying with her brother (PW3) since 22.6.12. In her main petition, PW1 has stated that she has been doing labour work to sustain herself. Further, OP did not assert, in his evidence that the first party has adequate means to maintain herself.
32. Thus, it is proved that the first party is not in a position to maintain herself, and is dependent on her brother for her survival.
33. Thus, in the light of the above, it is proved that the OP has neglected to maintain his wife, and is liable to pay maintenance, to his wife, i.e the first party, Smti Jurimoni Handique, u/s 125 Cr PC.

QUANTUM OF MAINTENANCE:

34. As stated, it is proved that the OP has been working in the LP school, at least, till the time of lodging of the case. It can be reasonable held that OP had worked in the school, and there is no ground to presume that his job in the school had ceased to exist. Moreover, it is proved that OP had farm land and earns by way of cultivation. However, the area of land and how much he

earns, could not be proved by the first party. Likewise, it could not be proved how much, income he earns or has earned from his job in the school. It is also on record, that OP has an additional source of income from tuition. But at the same time, the first party could not establish the income of the OP.

35. However, in determining, the appropriate amount of maintenance, the fact that OP has a responsibility to look after his old mother and his unmarried sister, who are living with him, cannot be brushed aside. Further, the standard of life, which the first party had been living prior to her marriage is also a relevant factor.

36. Thus, after considering all factors, I am of the considered view that a sum of Rs.2500/- (Two thousand five hundred only) per month, as maintenance for the first party, will be appropriate. Therefore, I direct the Opposite Party, Sri Rajen Saikia, to pay maintenance amount of Rs.2500/- per month, to the first party, Smti Jurimoni Handique, from the date of this order. Considering the absence of the first party during the course of trial on many dates, I find that directing the OP to pay maintenance from the date of the order, will be appropriate.

37. The judgment/ final order is pronounced in the open court on this 18th of May, 2015. The judgment/ final order is prepared under my hand and seal of this Court .

38. The case is, accordingly, disposed of.

(K.K. Sharma)

S.D.J.M, Gohpur.

ANNEXURE

LIST OF DOCUMENT PRODUCED BY THE OPPOSITE PARTY

Ext Ka : A certificate issued by District Mission Coordinator, SSA,
Sonitpur

Ext Kha: A certificate issued by BEEO & BMC, Behali.

S.D.J.M, Gohpur.