

IN THE COURT OF THE _____

On the day of 20

Present:-
Judge Family Court

M.C.No. of 20

Between:-

_____Petitioners

And

_____Respondent

CLAIM FOR:- This petition is filed under Sec.125 of Cr.P.C by the Petitioners praying the Court to direct the Respondent to pay Rs._____ to each petitioner totalling to Rs._____ per month towards their maintenance and further direct the Respondent to pay Rs._____ towards litigation and legal expenses.

This petition coming-up before me on _____ for hearing in the presence of Sri. _____ Advocate for the Petitioners, and Sri. _____ Advocate for the Respondent, and the matter having been stood over for consideration till this day, this Court made the following:-

:: ORDER ::

The wife and minor son are claiming Rs._____ each for the maintenance under Sec.125 Cr.P.C apart from Rs._____ towards litigation expenses.

The wife claimed that after their marriage on _____ they lived happily for about _____ years, begot the second petitioner on _____ where the husband was addicted in bad vices including extra-marital relationship with one _____ and was excluding them and harassing her on one pretext or the other and he did not change the attitude despite elders advise and were ultimately driven out on _____ that they filed a petition before the family counselling centre where he was warned to leave the bad vices to look after them, that the elders advised him to pay Rs._____ per month to them as maintenance, for which he has agreed, but failed to do so, that unable to bear his harassment she filed criminal case under sec.498-A I.P.C., wife is suffering from several ailments, for which she needs Rs._____ per month, that the Respondent is working as _____ and drawing Rs._____ per month, that the petitioners have no means for their livelihood, that the Respondent is also having house comprising of two floors and gets Rs._____ per month as rent from one portion and therefore, he has no dependency.

The Respondent in his counter denied the material allegations against him admitted the marriage and beating second petitioner and claimed that his wife developed animosity against him and filed false criminal complaint to oust him from the job and she is not entitled for maintenance and sought for dismissal of petition.

Subsequently the Respondent has not appeared even for conciliation, consequently he was set-exparte.

The wife filed chief affidavit reiterated the above averments of the petition. A perusal of the counter of the husband shows that he has not disputed his earnings @ Rs.13,000/- per month though he disputed his harassment. He has not disputed the various allegations including his being addicted to bad vices including developing extra marital relationship. The second petitioner is aged_____ years in the year 20__ while the first petitioner_____ years and shown to be a house wife whereas the Respondent in his counter has described her as private employee though he has not averred in the counter about her employment.

Considering the present cost of essential commodities, satisfied that a sum of Rs._____ to the first petitioner and Rs._____ to the second petitioner per month are just and reasonable amounts apart from Rs._____ towards litigation expenses of this petition.

In the result, the petition is allowed in part awarding Rs._____ and Rs._____ to the petitioner No.1 and 2 respectively from the date of petition payable on or before _____ of every succeeding month. The Respondent shall pay the arrears of maintenance amount within three months from today. The petitioners are also entitled for Rs._____ towards legal expenses of this petition.

(Pronounced by me in the Open Court on this _____ day of _____ 20__)

Judge
Family Court,