

**IN THE COURT OF SESSIONS JUDGE :::::::::::::::::::: GOALPARA.**

**Present: T.K. Bhattacharjee, A.J.S.,  
Sessions Judge, Goalpara**

**Criminal Appeal No. 18 of 2018**

Nojrul Islam .... Appellant.

**-versus-**

Shahanaj Parvin .... Respondent.

**Appearance:-**

For the appellant : Mr. A. Hussain, learned Advocates

For the respondent : Mr. A. Matin, learned Advocate

**Date of Judgment : 19.01.2021.**

**-J U D G E M E N T-**

**1.** This appeal has been preferred u/s 29 of the Protection of Women from Domestic Violence Act, 2005 against the ex-parte order dated 26.04.2018 passed by the learned S.D.J.M.(S), Goalpara in DV case no. 226/17 vide which the learned court below directed the respondent (appellant) to pay an amount of Rs.1,500/-(One thousand five hundred) only per month as interim maintenance to the aggrieved person namely Shahanaj Parvin.

**2.** The brief facts of the case as revealed from the case record is that the aggrieved person, the wife of the appellant filed a petition before the learned Trial Court u/s 12 of the PWDV Act and thereafter,

vide the impugned order dated 26-04-2018 the learned Court below was pleased to award ex-parte interim maintenance to the aggrieved person amounting to Rs. 1,500/- per month.

**3.** Being highly aggrieved and dissatisfied with the aforesaid order dated 26.04.2018, the present appeal has been preferred on the grounds set forth in the memo of appeal. During the course of hearing none of the parties participated in the hearing despite the opportunity given to them and as such the matter is being disposed of on merit.

**4. Point for determination:-**

Whether the impugned order dated 26.04.2018 passed by the learned court below is sustained in law or requires any interference by this court ?

**Discussion, decision and reasons:-**

**5.** Upon a careful scrutiny of the entire materials available before me and also the impugned order dated 26.04.2018, it is found that the aggrieved person ( respondent of this appeal) had filed a petition u/s u/s 12 of the PWDV Act and thereafter, the learned Counsel for the aggrieved person was heard and accordingly, ex-parte interim maintenance was granted to the aggrieved person @Rs.1,500/-(One thousand five hundred) only per month on being satisfied that the aggrieved person was a victim of domestic violence and apparently, from the impugned order it transpires that the learned court below was satisfied that there was domestic violence and accordingly, granted Rs.1,500/-(One thousand five hundred) only per month which was in accordance with section 23 of the PWDV Act which empowers a Magistrate to grant interim relief and also pass ex-parte orders and in view of the above facts and circumstances, I am of the opinion that the

impugned order dated 26.04.2018 does not require any interference by this court at this stage.

- 6.** In the result, this appeal is dismissed without any costs.
- 7.** A copy of this order shall be forwarded to the learned court below for necessary action.

Given under the hand and seal of this court on this 19<sup>th</sup> day of January, 2021.

**(T.K. Bhattacharjee)**  
Sessions Judge,  
Goalpara

Dictated & corrected by me:-

Sessions Judge, Goalpara