**MARRIAGE MAINTENANCE 125-1**

**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE OF**

 ………………………

In the matter of:-

………………………………………………………………….Petitioners

 Versus

……………….………………………………………………….Respondent

Petition under Sec 125 Cr. P. C. with the prayer to grant maintenance to the petitioners

Respectfully Sheweth:

 1. That the petitioner No. 1 got married with the respondent on \_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in accordance with the Hindu customs, rites and usages and out of the said wedlock petitioner Nos. 2 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ have taken birth. The petitioner Nos. 2 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ are the legitimate children of petitioner No. 1 and respondent. They being minors are filing the present complaint through the next friend and natural guardian i.e. petitioner No. 1. The petitioner No. 1 is house wife and petitioner No.2 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ are students and studying in \_\_\_\_\_\_\_\_\_\_\_ class respectively. The petitioners have no independent source of income and now they have been left at the mercy of their \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_father/maternal grand father for meeting their day to day expenses.

 2. That the respondent is a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ dead drunkard and not treating the petitioners properly and also not maintaining them though he is having sufficient source of income. The conduct of the respondent is so cruel that he usually gave beating to the petitioners without any cause mercilessly and when he comes to the house at night intoxicated he creates nuisance and even does not allow the petitioners to sleep and study.

 3. The respondent is also in habit of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_playing gambling and after losing in gambling he has even sold his \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_car and misutilised the amount received from the said sale in gambling and in adultery.

 4. The respondent has given such severe beatings to the petitioner No. 1 that he has broken her \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_teeth and right hand's ring finger. The respondent has also committed several another acts of cruelty towards the petitioners that the life of the petitioners have become hell. The respondent has \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_torn the wearing garments of the petitioner No. 1 in the presence of her children and made her naked before them which has caused immense mental torture and humiliation to them in the month of \_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_ (Place).

5. That though the respondent as well the petitioner No. 1 had \_\_\_\_\_\_\_\_\_\_\_\_\_ or resort to gambling and also not to associate with any other woman, but the respondent has broken the pledge and resorted to all the bad habits after six months and there-after started living again the life of un-responsible man. The respondent has not allowed the petitioners to \_\_ go to the temple for worship and kept us at house asked us to worship him rather than Lord Krishina.

6. That the respondent is also living in adultery with one lady namely \_\_\_\_\_\_\_\_\_\_\_\_\_. The respondent has even allowed her to live in our \_\_\_\_\_\_\_\_\_\_\_\_\_\_rented house at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to inflict mental torture upon the petitioners.

7. That the relations between the parties have now broken to such an extent that there is now no possibility of having any compromise between them.

8. That the petitioners were forced to leave the house of the respondent on \_\_\_\_\_\_ due to the aforesaid facts and reasons, as their life was in danger at the hands of the respondent and as the respondent has given open threats to the petitioners that he will do away with their lives at any time, so that he may re-marry with other lady he likes.

9. That since the petitioner has been forced to take shelter in the house of their \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ father as well as maternal grandfather respectively here at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and as thereafter they are continuously residing here at …………………….…… hence the learned court has jurisdiction to entertain and decide the present complaint/petition.

10. That requisite court fee is being affixed on the complaint/petition.

11. It is, therefore, most respectfully prayed that the petition may kindly be allowed and the respondent may kindly be ordered to pay maintenance to the petitioners at the rate of Rs. \_\_\_\_\_/- each per month as provided under the code of Criminal Procedure in the interest of justice equity and fair play. The cost of the petition may kindly be also awarded in favour of the petitioners. Any such other relief as deem fit in the facts and circumstance of the case may kindly be granted in favour of the petitioner and against the respondent.

……….……………………….Petitioners

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Through, Advocate

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE OF ………………………………

IN THE MATTER OF:

………………………………………………………………..Petitioners

 Versus

…………………………………………………………………..Respondent

Application under section 125 (3) of the code of Criminal Procedure with the prayer to grant interim maintenance during the pendency of the main petition

Respectfully Sheweth:

1. That the petitioners have filed a petition under section 125 for grant of maintenance under Code of Criminal Procedure along with the present application which is pending before the learned court.

2. That the grounds mentioned in the main petition may kindly be read as part and parcel of the present application as the same has not been reproduced to avoid repetition of the same.

3. That as per the grounds setup in the main petition, there is prima facie case in favour of the petitioners and against the respondent. And in case, interim maintenance is not granted in favour of the petitioners, in that eventuality, they will suffer great hardship in meeting their day to day expenses as already submitted that they have now totally become dependent upon their father/maternal grand father. The petitioners have no independent source of income and the respondent has sufficient source of income to maintain him as well as the petitioners. It is pertinent to mention here that after the petitioners were forced to leave the house of the respondent, he has even not cared to have any amicable settlement and has not given any single pie to the petitioners for their maintenance, as such the respondent has breached the obligatory marital duties and obligations to maintain the petitioners. It is, therefore, most respectfully prayed that the application may kindly be allowed and respondent be directed to pay a sum of Rs\_\_\_\_\_/- each to the petitioners as interim maintenance from the date of filing of the application till its decision on merits. The respondent be also directed to pay litigation expenses of the present petition to the petitioners

. ………………………… Applicant

Through, Advocate

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE …………………………….

IN THE MATTER OF:-

………………………………………………………………….Petitioners

Versus

…………………….…………………………………………….Respondent

Affidavit in support of application under section 125(3) Cr.P.C.

I, ………………………………………… do hereby solemnly affirm and state on oath as under:- 1. That the contents of my accompanying application under section 125 (3) Cr.P.C in para 1 to 3 are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed there from. The contents of the accompanying application has been read over and explained to me in vernacular. 2. That the contents of my above affidavit in para 1 are true and correct to the best of my personal knowledge and belief. No part of it is false and nothing material has been concealed there from. Verified here at ………………………… on this \_\_\_\_\_.

 Deponent