

ORDER BELOW EXH.05

(Passed on 30.06.2023)

The present application is filed under Section 23 of Protection of Women from Domestic Violence Act, 2005 for interim relief in accordance with the principal application. Despite of service of notices, the non-applicants remained absent. Therefore, the matter was proceeded ex-parte against them vide order passed below Exh.1 on 26.11.2021 and 04.01.2023.

2] It is contention of applicant no. 1 that non-applicant no.1 is her husband and non-applicant nos. 2 to 4 are her in-laws. Her marriage with non-applicant no. 1 was solemnized on 14.05.2021. After marriage she started residing with the non-applicants at Chakradhar nagar, Nashik. After two months of marriage, the non-applicants started ill-treating her. Applicant no.1 has stated several incidents of the domestic violence in her main application at Exh 1. The ill-treatment of the non-applicants forced her to file the present application. Non-applicant no.1 is not providing anything towards maintenance to the applicants. Therefore, they prayed for interim maintenance till pending of the main application.

3] While deciding the present application prima facie case is to be seen. The allegations of domestic violence made by the applicants are specific. The applicants are residing at her maternal house at Mochipura, Anjangaon Surji. The applicants have stated that non-applicant no.1 has not made any arrangement for their livelihood and residence. Their contention is also supported by Domestic Incident Report. This fact amounts to economic abuse/

violence as defined under the Domestic Violence Act, 2005 which is the part of domestic violence.

4] The applicants have claimed Rs. 15,000/- per month as interim maintenance. It is contention of the applicants that non-applicant no. 1 is a bodyguard and earning Rs. 40,000/- per month. Applicant no.1 has filed her affidavit (Exh. 09) stating her assets and liabilities. She has stated on oath that she has no source of income. The applicants have not given any other details regarding job of the non-applicant no.1. At this stage, there is nothing on record to show the exact income of non-applicant no. 1. In such circumstance, contention of the applicants up to certain extent can be considered. Despite of service of notice, non-applicant no.1 remained absent. It prima facie shows his casual and irresponsible approach.

5] Considering the nature of dispute, stage of the matter, documents, standard of living and submissions of the applicants, I find that at this stage Rs. 4,000/- per month towards interim maintenance to the applicants would suffice the ends of justice. As prima-facie it appears that domestic violence has taken place, applicant no.1 is also entitled for the protection order. The applicants have prayed for her Stridhan and also prayed to restrain non-applicant no. 1 from disposing his properties. But, they have not given any specific detail of Stridhan or properties of non-applicant no. 1. Therefore, it will not be proper to pass any order at this stage for the same reliefs. It is legal duty of non- applicant

no.1 to look after the applicants. The applicants are partly entitled to the reliefs claimed. Hence, I pass the following order-

OPERATIVE ORDER

- a) The application is partly allowed.
- b) Non-applicant no.1 shall pay Rs. 2,500/- (Rs. Two Thousand Five Hundred Only) to applicant no.1 and Rs. 1,500/- (Rs. One Thousand Five Hundred Only) to applicant no.2 i.e. Rs. 4,000/- (Rs. Four Thousand Only) per month towards interim maintenance from the date of main application i.e. from 10.10.2022 till further order.
- c) The non-applicants shall not commit any act of domestic violence with respect to applicant no.1.

Copy of this order be provided free of cost to the parties.

(Dictated and pronounced in open court).

Date:-30.06.2023

(Sneha R. Jadhao)
Judicial Magistrate, First Class,
(Court No. 2), Anjangaon-Surji.