



ORDER BELOW EXH. 5.

[Delivered on: 06th of September, 2024]

This is an application by the petitioner/applicant U/s.23 of the Protection of Women from Domestic Violence Act, 2005 [hereinafter referred as 'the Act'] for grant of interim reliefs.

2] It is case of petitioner that she is the wife of respondent. Their marriage is still in existence which was solemnized on 13.07.2021. She resided along with respondent after marriage at Mumbai till 23.02.2022 from the date of marriage. During this period the respondent did not treat her in proper manner and subjected cruelty. Thereafter, due to cruel treatments of respondents she compelled to reside at her parents house, therefore she filed the present case against them for asking various reliefs.

3] It is further contention of the petitioner that respondent is Bachelor of Arts and earns Rs.1,00,000/- per month. Petitioner is residing at her parent's house on their mercy. Respondent is having sufficient capacity of providing maintenance to her. Hence, she claimed interim maintenance of Rs.15,000/- per month till the disposal of main petition.

4] Respondent appeared and filed their say at Exh.22 to the present application and vide Exh. 21 to the main application. He has denied all the adverse allegations made against them. He has admitted the marriage solemnized between them. His defence is that petitioner was suffering from rare disease, and she hide the said fact from him. The petitioner herself left company of respondent without any reason. Respondent has tried his level best to resolve the dispute and requested

her to come on some settlement, but she has flatly denied for the same. There was no absolute ill treatment at the hand of respondent to the petitioner. He earns Rs.18,000/- per month from the job of private teacher. His two children who are of his first wife and his old aged mother is also depend of his said income. On the other hand the petitioner is doing the private job in the bank and also do the work of tailoring. Hence, she prayed for rejection of the application.

5] Heard learned advocates for parties. Perused the record. For the purpose of interim relief, standard of proof is very low. The existence of prima-facie case is sufficient for the same. Petitioner has filed an affidavit in support of present application, thereby she re-agitated the facts in the petition.

6] Section-02 of the Act, defines, “aggrieved person” and “domestic relationship”. Aggrieved person means any woman who has been in domestic relationship with respondent. Domestic relationship means relationship between two persons who have at any point of time lived together in a shared household. It itself shows that the relations which was existing at any point of time and in that time if any domestic violence occurred, then she can claim the relief under the Act. In this case the relations are not denied. The aims and object of this Act, is to protect the women and to provide remedy and relief against the violence which she has suffered. Therefore, in the light of these legal as well as factual positions, this petition does not debar the petitioner from claiming maintenance.

7] Now so far as prima-facie domestic violence is concerned, petitioner has placed her reliance on affidavit. At this stage the prima-facie existence of domestic violence has to be verified. For that purpose

prima-facie reliance can be placed on it. It discloses that petitioner has sustained ill-treatment from respondents. The aspects about causing physical violence are supported by affidavit. It shows the existence of prima-facie domestic violence which is sufficient for this stage.

8] The Petitioner failed to file any document on record of the case in order to support her contention of income of respondent, which could show the specific income of the respondent. Respondent submitted that he used to earn Rs.18,000/- per month. As Considering the high inflation rate wherein the cost of living is just about to touch the sky, it is really difficult for a destitute wife to lead her life with dignity. She must be provided with the financial assistance for her basic needs. Huge expenses are also required for medical fees. Her parents may provide her shelter and food, but that is not what everybody needs. There are many more things which a living woman requires and the same are to be provided by respondent. Therefore, for the purpose of clothing, basic entertainment, medication whenever require and for her other fundamental expenditures, I think it is fit to grant the interim monetary relief at rate of Rs.4,000/- per month to petitioner. In the result petitioner is entitled for the relief of interim maintenance. Hence, I pass the following order;

ORDER

1. Application is partly allowed.
2. Respondent shall pay Rs.4,000/- (Rupees Four Thousand only) per month to the petitioner as interim monetary relief towards maintenance and other expenses during pendency of present application from the date of filing of present case till decision of the main application.

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3. Respondent shall pay the interim maintenance within the 5th day of each month promptly and regularly.
4. Respondent is directed not to commit any type of domestic violence on petitioner.
5. The Protection Officer is directed to give necessary aid to applicant for implementing the above protection order.
6. The copies of order be given to the parties free of costs and also be sent to Police Station Officer, Desaiganj and Protection Officer.

Desaigaj:
Dt. 06.09.2024.

(Satish G. Gore)
Judicial Magistrate First Class,
Desaiganj