



Presented on : 25.02.2026
Registered on : 25.02.2026
Decided on : 04.07.2026
Duration : Yrs. Ms. Ds.
00 04 08

CNR No. : MHTH06-000783-2026

Exhibit No. : 19

IN THE COURT OF ADDITIONAL SESSIONS JUDGE, KALYAN,
AT KALYAN

(Presided over by Smt. V. S. Deshmukh)

PWDVA APPEAL NO.14 OF 2026

Shri Kiran Shriharsh Bhangre

Age 42 Yrs., Occu.:- Service,
R/at. A-1206, Om Residency,
Barave Gaon, Beside Godrej Park,
Kalyan (West), Tal. Kalyan, Dist. Thane.

...Appellant.

Versus

Shruti Kiran Bhangre

(Maiden Name – Shruti Nyaykar Helinge),

Age 33 Yrs., Occu.:- Service,
R/at. C/o. Nyaykar Helinge,
Opposite C-51, Shiv Colony,
Dabhade Chowk, Near Asha Society,
Ulhasnagar – 3, Dist. Thane.

...Respondent.

**Appeal under Section 29 of the
Protection of Women from
Domestic Violence Act, 2005.**

Advocates for the Parties –

For Appellant – C.J. Waghmare

For Respondent – Hemant D. Patil

JUDGMENT

(Delivered on this 4th day of July, 2026)

The present appeal is filed under section 29 of the Protection of Women from Domestic Violence Act, 2005 against the order below Exh.6 passed on 07.10.2025 in PWDVA Application No.195/2025 by Ld. CJJD & JMFC, Ulhasnagar. Through the impugned order, the learned Trial Court has allowed the application filed under section 23(2) of Protection of Women from Domestic Violence Act, 2005 restraining the appellant from entering the workplace of the respondent, contacting her in any manner, quarreling inside the school and nearby premises of the school.

2. The facts necessary to decide this appeal in short, are as under :-

Appellant married to respondent no.1 on 19.02.2017 at Jawahar Hotel, Ulhasnagar. Respondent gave birth to Arnika out of the said wedlock. Respondent filed petition under section 12 of Protection of Women from Domestic Violence Act, 2005 in the Court of JMFC, Ulhasnagar. In the said petition, she prayed for interim protection against the appellant by filing application at Exh.6. The Ld. JMFC, Ulhasnagar allowed the application and

passed ex-parte order restraining the appellant from entering the respondent's workplace, restraining her from going to her workplace, from contacting the respondent in any manner and quarreling inside the school and nearby premises of the school.

3. Being aggrieved by the said order, appellant has preferred this appeal on the following grounds:

1. The impugned order is passed without giving any opportunity of hearing to the appellant.
2. The appellant is natural guardian of his daughter and therefore, the impugned order resulted into serious prejudice to the appellant.

4. In pursuance of issuance of notice, respondent appeared through Advocate Hemant Patil.

5. After taking into account the rival submissions, grounds of appeal, record and proceedings, following points arose for consideration against which I have recorded my finding thereon as below :-

Sr. No.	POINTS	FINDINGS
1.	Whether the impugned order passed in PWDVA Application No.195/2025 below Exh.6 dated 07.10.2025 is legal and proper ?	..Yes..

2.	Whether the impugned order needs to be interfered with ?	..No..
3.	What order?	...As per final order.

REASONS

6. Heard learned Adv. C.J. Waghmare for appellant.

7. Heard learned Advocate Hemant Patil for the respondent. He relied upon following case laws :

[i] Shiva Agarwal Vs. State of U.P, 2015 (153) AIC 579;

[ii] Siddharth Sabharwal Vs. State of Maharashtra, 2020 ALL MR (Cri.) 195.

AS TO POINTS NO. 1 TO 3 :-

8. As all the points are interlinked with each other, I discuss them together to avoid repetition.

9. The impugned order reveals that respondent filed application under section 12 of Protection of Women from Domestic Violence Act, 2005 against the appellant and others alleging that appellant and others have subjected her to harassment and committed domestic violence against her. By filing application at Exh.6 supported by affidavit in Form III as per Rules 6(4) and 7 of Protection of Women from Domestic Violence Act, 2005, respondent

has sought ex-parte orders restraining the appellant from entering the respondent's work place, restraining her from going to her workplace and from going to the school of their daughter Arnika.

10. Respondent has expressed apprehension in the application that the appellant was going to their daughter's school with an intention to take her forcible custody. She has also alleged that the appellant used to harass her and pressurize her to leave her job. Taking into consideration the allegations made in the application and the affidavit in the prescribed form, the Ld. JMFC, Ulhasnagar allowed the application by invoking power under section 23(2) of the Protection of Women from Domestic Violence Act, 2005. Section 23(2) of the Protection of Women from Domestic Violence Act, 2005 empowers the Magistrate to grant an ex-parte order under sections 18, 19, 20, 21, 22 as the case may be against the respondent, on satisfaction that the application prima-facie discloses that the respondent has committed an act of domestic violence. The application at Exh.6 certainly prima-facie discloses that the appellant has committed an act of Domestic Violence. On satisfaction of prima-facie disclosure of commission of domestic violence by appellant, the Ld. JMFC, Ulhasnagar allowed the application and restrained the appellant from going to the respondent's work place, restraining her from going to her workplace and going to the daughter's school.

11. On perusal of the impugned order, the application at Exh.6 supported by the affidavit in prescribed format, it is noticed that the Ld. JMFC, Ulhasnagar has passed the impugned order after satisfaction that the application prima-facie discloses the commission of the domestic violence by the appellant. The impugned order is passed in accordance with the power vested by virtue of section 23(2) of the Protection of Women from Domestic Violence Act, 2005. It empowers the Magistrate to pass ex-parte and interim orders on satisfaction of prima-facie disclosure of commission of domestic violence by the respondent. Thus, the impugned order has been passed by strictly adhering to the provision under section 23(2) of the Protection of Women from Domestic Violence Act, 2005.

12. In **Siddharth Sabharwal (cited supra)** the Hon'ble High Court has discussed the very object of the 'Act'. It is observed that the object of the 'Act' is to provide more effective protection to the women. It is held that on mere technicalities an aggrieved person cannot be dislodged from seeking ex-parte relief under section 23(2) of the Act. In case in hand, application at Exh.6 is supported by affidavit in prescribed format. Thus, there is absolutely no lacuna either in the application or in the impugned order. In the result, the impugned order is legal and proper and does not require any interference. Hence, I answer point no.1 in affirmative and point no.2 in negative. Resultantly, I pass the following order :

ORDER

1. Appeal is dismissed.
2. Inform Ld. Trial Court accordingly.

(Dictated and pronounced in open Court).

Kalyan.
04.07.2026

(V. S. Deshmukh)
Additional Sessions Judge,
Kalyan.