

GJJM010009302026  CR A/110/2026	 सत्यमेव जयते	Filed on	:	13/01/2026				
		Registered on	:	09/03/2026				
		Decided on	:	28/04/2026				
		Duration	:	<table border="1"> <tr> <th>Years</th> <th>Months</th> <th>Days</th> </tr> <tr> <td>00</td> <td>01</td> <td>19</td> </tr> </table>	Years	Months	Days	00
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**BEFORE THE HON'BLE 3rd ADDL. SESSIONS JUDGE
JAMNAGAR**

Criminal Appeal No. : 110/2026

Exh.- 7

Appellants (Orig. Applicants)	1.	SAROJBEN BHAVESHBHAI SONAGARA Age : 33, Occupation : Household,
	2.	NAMAMI BHAVESHBHAI SONAGARA Age : 7, Occupation : Studying,
	Appellant No. 2 through Appellant No. 1 -Natural Guardian (Mother)	
	Both Resi. At. : SHYAMNAGAR - 4, GOKULNAGAR, NEAR RADHE PAN, JAMNAGAR.	
<i>Versus</i>		
Respondents No. 1 to 4 (Orig. Opponents)	1.	BHAVESHBHAI HIRABHAI SONAGARA Age : 33, Occupation : Service & Agriculture, Resi. At. :- SHYAMNAGAR, STREET NO.: 4, NEAR RADHE PAN, GOKULNAGAR, JAMNAGAR
	2.	HIRABHAI RAGHAVBHAI SONAGARA Age : 60, Occupation : Household,
	3.	ZINIBEN HIRABHAI SONAGARA Age : 58, Occupation : Driving,
	Both 2 & 3 Resi. At. : VILLAGE: RAFUDAL, TA. DIST. JAMNAGAR	
	4.	RANCHODBHAI NARANBHAI RATHOD Age : 60, Occupation : Agriculture, Resi. at. : VILLAGE: SINGHACH, TALUKA: LALPUR, DISTRICT: JAMNAGAR
	5.	STATE OF GUJARAT Through : Ld. D.G.P., Jamnagar

APPEARANCE :-

Ld. Adv. for the Appellants	Mr. D. N. Bheda
Ld. Adv. for the Respondents	Mr. A. V. Parmar
Ld. A.P.P. for the State	Mr. D. A. Jivrajani

**CRIMINAL APPEAL UNDER SECTION
29 OF THE PROTECTION OF WOMEN
FROM DOMESTIC VIOLENCE ACT.**

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

- [1]. The Appellants are the Original Applicants and the Respondents No. 1 to 4 are the Original Opponent No. 1 to 4 before the Hon'ble Trial Court. The parties will be referred as per their original status here-in-after, for sake of brevity. The respondent No. 5 is the State.
- [2]. The Appellants / Original Applicants had filed application under Section 17, 18, 19, 20, 21, 22 & 23 of the Protection of Women From Domestic Violence Act and after hearing the said application, the Hon'ble 6th Addl. Chief Judicial Magistrate, Jamnagar, was pleased to partly allow the Application at Exh.-5 vide Order dtd. 01/11/2025, whereby the Respondent No.1 is directed to pay Rs.3,000/- to the Applicant No. 1 and Rs.2,000/- to the Applicant No. 2 as interim alimony to the Applicants from the date of application till further Order. Being aggrieved and dissatisfied by the said impugned order dtd.01/11/2025, the original

Applicants has preferred this appeal under Section 29 of Protection Of Women From Domestic Violence Act, for enhancement of amount.

[3]. The Appeal was registered and process was issued to the Respondents. On service of process, the Respondent No. 1 to 4 / Original Opponents had appeared through their Ld. Advocate and strongly objected appeal and submitted that the impugned order passed by the Ld. Magistrate is just, proper and legal and it does not call for any interference by this Court and requested to dismiss appeal. The Ld. A.P.P. appeared for the Respondent No. 5 – State and submitted to pass appropriate order in the interest of justice.

[4]. For adjudication of this appeal, following points for determination, arises :-

:: POINTS FOR DETERMINATION ::

1	Whether the Appellants / Original Applicants are entitled to enhancement in amount granted by the Hon'ble Trial Court ?
2	Whether the Order dtd. 01/11/2025 passed below Exh.-5 in Criminal Misc. Application No. 117/2025 by Ld. 6 th Additional Chief Judicial Magistrate, Jamnagar, is erroneous or illegal or perverse or with material irregularity, which requires interference by this Court and whether the said Judgment and Order

	deserves to be quashed and set aside ?
2	What's Order ?

[5]. My findings, arrived at, of the above stated points, are as under :

-: FINDINGS :-

1	PARTIALLY-In-AFFIRMATIVE
2	PARTIALLY-In-AFFIRMATIVE
3	As per FINAL ORDER

[6]. I have heard the Ld. Advocate Mr. D.N. Bheda for the Appellants / Original Applicants, the Ld. Advocate Mr. A.V. Parmar for the Respondents No. 1 to 4 / Original Opponents and Ld. APP for the State Mr. D. A. Jivrajani, at great length. I have also considered the documents annexed therewith and grounds stated in the appeal as well as impugned Order dated 01/11/2025 passed below Exh.-5 by the Ld. 6th Addl. Chief Judicial Magistrate, Jamnagar and record and proceedings of Cr.M.A. No. 117/2025, under The Protection of Women From Domestic Violence Act.

[7]. The reasons, for the findings arrived at, of the above Points, are as under :

: REASONS :

POINT No. 1 to 3 :

(7.1). The Learned Magistrate has partly allowed the Application of the Applicant – Wife / child and granted the Financial Assistance of Rs.3,000/- to the Applicant No.1 and Rs.2,000/- to the Applicant No.2 towards the maintenance from the date of application vide Order dtd.01/11/2025 passed below Exh.-5 in Cr.M.A. No.117/2025. The Ld. Advocate for the Respondent No. 1 to 4 has vehemently argued that the Hon'ble Trial Court has not committed any error and submitted to dismiss the appeal. The Ld. A.P.P. for the Respondent No. 5 – State has humbly submitted that the Hon'ble Court may pass appropriate and just order in the interest of justice.

(7.2). The Learned Advocate for the Applicants has vehemently argued that the applicant has stated the facts on oath and the opponent had appeared before the Hon'ble Trial Court, but not challenge the relations of the parties as husband & wife and under such circumstances, the

relations between the parties is not in dispute. The Ld. Advocate for the applicants has submitted that the Hon'ble Trial Court has granted very minor amount and therefore, requested to enhance the amount considering income of opponent-husband and high cost of living now-a-days.

- (7.3). If we go through, the Impugned Order and record of the Trial Court, then the admitted income of the Opponent – Husband is Rs.35,000/- per month. The Ld. Advocate for the Opponent – Husband has submitted that he has responsibility of mother and father. As against that the Ld. Advocate for the Applicants has submitted that in the record of the Hon'ble Trial Court, it is crystal clear that the father of the Opponent is having the Agricultural land admeasuring Hector - 8, Are - 68, Sq. Mtrs. - 60, which as per the Ld. Advocate for the Applicant is about 54 Vigha land. It is not disputed that father of the Opponent is having said agriculture land. Thus, the father is having sufficient income from the said agriculture land and therefore, the parents of Opponent /

Husband could not be considered as wholly dependent on the Opponent / Husband.

- (7.4). The Ld. Advocate for the Opponent – Husband has submitted that the Opponent has taken personal loan of Rs.1.5 Lacs from Axis Bank and Rs.50,000/- on credit card and is paying the L.I.C. premium of about Rs. 1,729/-. The L.I.C. premium is going to come back in future and the said cannot be considered as a deduction. The Loan amount is for the limited period, but lumpsum Rs.5,000/- can be deducted from the income. Further Rs.5,000/- can be deducted for his personal expenses of the Opponent – Husband and therefore, the net income of the Opponent is considered Rs.25,000/- after all deductions from which the husband, wife and child's contribution is required to be done. Under such circumstances, if the Applicant No. 1 is granted Rs.7,000/- and the Applicant No. 2 is granted Rs. 5,000/- per month as a financial assistance to their maintenance and education from the date of Application at Exh.- 5 in the Criminal Misc. Application No. 117/2025, then it will be just and proper and reasonable.

(7.5). The Applicant had prayed to grant Rent of Rs.5,000/- per month. The Learned Magistrate has observed that the Applicant not produced any rent deed or rent receipt to show that she is living in Rented House. The applicants are being deserted wife and victim of domestic violence and until and unless the Opponent No. 1 / Husband arrange for their residential accommodation, they have to live merciful life at their parent's / relative's house. It is the duty of the Opponent No.1 / Husband to make residential accommodation for shelter of the Appellants / Applicants / Wife and Minor Child. There is no evidence on record that the Opponent No.1 has made any residential accommodation for Appellants / Applicants / Wife and Daughter. Under such circumstance, the Opponent / husband is bound to pay the Rent, so that the Applicants / Appellant / Wife and minor Child can arrange their residential accommodation. The Applicants / Appellants have prayed Rs. 5,000/- per month towards the Rent, but looking to the facts of the case and the rent estimated to be prevailing in the area of the

Applicants may be Rs.3,000/- per month and if it is granted towards as rent from the date of Application at Exh.-5 in the Criminal Misc. Application No. 117/2025 filed before the Trial Court, then the applicants can arrange for their shelter. Hence, the Applicants are entitled to get lumpsum amount of Rent of Rs.3,000/- per month, from the Opponent No. 1 / Husband, without producing any rent receipt, from the date of Application at Exh.- 5 in the Criminal Misc. Application No. 117/2025 filed before the Trial Court, till the Opponent / Husband arrange for the residential accommodation and inform to the Hon'ble Trial Court about the same.

- (7.6). The Applicant / Wife has also prayed to direct the Opponents to handover the goods as stated in the list produced before the Trial Court. The Applicants has stated on oath that the said goods are lying with the Opponents. Under such circumstance, there is no reason to disbelieve the same. Moreover, the Learned Advocate for the Applicants has submitted that if that is so, the applicants may be given liberty to file fresh application / case with required evidence in the

Competent Court for getting back the goods of 'Stridhan' of the Applicant / wife. The said submission is reasonable and liberty is just and proper to grant and the Hon'ble Trial Court shall decide the same at the final disposal of main application.

(7.7). In view of reason stated here-in-below, evidence on record and settled principle of law, the amount granted by the Learned Magistrate is required to be enhanced and to that extent, the impugned Order dtd.01/11/2025 passed below Exh.-5 in Criminal Misc. Application No. 117/2025 by the Ld. 6th Additional Chief Judicial Magistrate, Jamangar, is required to be modified and therefore, it calls for interference by this Court by Partially Allowing this appeal and accordingly, I answer the **POINT No. 1 & 2** in **PARTIALLY-In-AFFIRMATIVES** and answer the **POINT No. 3** by passing following FINAL ORDER :

-: FINAL ORDER :-

➤ **The Appeal is Partially Allowed.**

- **The Appellant No. 1 / Original Applicant No. 1 / Wife is granted the amount of Rs.7,000/- per month and the Appellant No.2 / Original Applicant No.2 / Minor Child is granted the amount of Rs.5,000/- per month, towards the financial assistance for their Maintenance, Education, Medicine etc. from the date of Application at Exh.-5 in the Criminal Misc. Application No. 117/2025 filed before the Trial Court, till final disposal of said main application.**

- **The applicants are granted the amount of Rs.3,000/- per month towards lumpsum Rent for their**

residential accommodation, without producing any rent receipt, from the date of Application at Exh.-5 in the Criminal Misc. Application No. 117/2025 filed before the Trial Court, till the Opponent / Husband make arrangement for the residential accommodation for Applicants and inform about the same to the Hon'ble Trial Court.

- **The Respondent / Opponent No.1 / Husband shall pay the amount as ordered above to the applicants within the period of 1 (One) Month from date of this**

order.

- **The impugned Order dated 01/11/2025 passed below Exh.-5 in Criminal Miscellaneous Application No. 117/2025, by Ld. 6th Additional Chief Judicial Magistrate, Jamnagar, is hereby confirmed, subject to the above modification in quantum of Financial Assistance for Maintenance and Lumpsum monthly rent amount.**
- **The Respondent No. 1 / Orig. Opponent No.1 / Husband shall pay the Cost of Rs. 5,000/- of this Appeal to the Appellant No. 1 / Orig. Applicant No. 1 / Wife.**
- **The amount admissible to minor**

**Appellant No. 2 / Orig. Applicant
No. 2 / child shall be paid to
Appellant No. 1 / Orig. Applicant
No. 1 / mother.**

➤ **Yadi, alongwith the Copy of this
Judgment and Order as well as
Record & Proceedings of
Criminal Misc. Application No.
117/2025, is to be sent to the
Hon'ble 6th Additional Chief
Judicial Magistrate, Jamnagar,
Dist.-Jamnagar, forthwith, for
providing copy of this Order
free of cost to the Original
Applicant / wife.**

Signed, pronounced and declared in the open Court on this 28th day of April, 2026, at Jamnagar.

Date : 28/04/2026
Place : Jamnagar

(Rasikkumar V. Mandani)
3rd Additional Sessions Judge
Jamnagar, at Jamnagar. (Code : GJ00715)

//A.M.S //