

: ORDER ON I.A No.1 :

The petitioner has filed this application U/sec.23 of DV act seeking to direct respondent No.1 to pay interim maintenance of Rs.25,000/- per month to petitioner from the date of this petition till disposal of the same in the interest of justice and equity.

2. In support of this application, petitioner has sworn to an affidavit stating that, she has no independent income to maintain herself and she is maintaining her livelihood by the help of her aged parents and they are unable to maintain her and it is the bounden duty of respondent No.1 to maintain his wife for the livelihood, food, shelter, medicine etc., The respondent No.1 being the husband of petitioner has completely neglected to provide food, clothing and shelter to her and it has become difficult for petitioner to lead her livelihood. It is submitted that, respondent No.1 is physically sound and is an agriculturist and having movable and immovable properties and is earning more than Rs.3 to 4 lakhs per year. Hence, he is capable of maintaining the petitioner separately. On these grounds, prayed to allow the application.
3. On the other hand, respondent No.1 appeared through his counsel and filed objection to main petition and filed a memo to consider the same as objection to this application. In the objection to main petition, it is seen that, respondent No.1 has specifically contended that, there is no any act of domestic violence against petitioner and he has complied the duties as a husband in their marital relationship. The petitioner herself has voluntarily left his company and is giving harassment to respondents and also has expressed her unwillingness to lead marital life with him. In spite of several attempts, petitioner has not rejoined the company of respondent No.1. Respondent is looking after his aged parents and he is unable to provide separate maintenance to petitioner as prayed for. On these grounds, prayed to reject the application.
4. Heard both sides and perused the materials on record.
5. On perusal of entire materials on record, it is seen that, there is no dispute about marriage and this petition is filed by petitioner alleging incident of

domestic violence by respondents on her and the same is denied by respondents. However, the petitioner has filed this application seeking interim maintenance of Rs.25,000/- from respondent No.1. It is also seen that, petitioner has already lead her evidence and the case was posted for cross examination of PW.1 and subsequently, at the submission made by learned by learned counsel for respondent No.1, the parties were sent to mediation and subsequently, it was reported that, mediation failed. In view of rival contentions urged by both parties, it is just and necessary to direct both parties to face the trial for adjudication of the case on merits. Hence, the IA No.1 deserves to be adjudicated only on completion of trial and hence, I am of the opinion that, if I.A No.1 is kept at abeyance till conclusion of trial, no harm or loss will be caused to either parties and hence, both parties are directed to proceed with the trial. Accordingly, I proceed to pass the following:

: ORDER :

The IA No.1 filed by the petitioner U/sec.23 of DV act is kept at abeyance.

For appearance and cross of PW.1.

Call on: 22.02.2025.

Civil Judge & JMFC, Banahatti.