

MHSN170031552020



Received on : 30.09.2023  
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Decided on : 24.03.2025  
Duration : Ys. M. Ds.  
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**IN THE SESSIONS COURT, VITA, AT VITA**  
**(Presided over by R.R. Bhagwat, Addl.Sessions Judge,Vita)**

**PWDVA APPEAL No.25 OF 2024**  
**(Old PWDVA No.72/2023)**

Exh. No.42

1. **Girish Sanjeev Deshpande,** )  
Age 40 Yrs., Occu.Doctor )  
R/o.Sanjivni Apartment, )  
Sanjivaninagar, Back Side in )  
Ajantha Transport, Talbhag, )  
Shaniwar Peth Kara, Tal Karad )  
Dist Satara )  
)

**Appellant****VERSUS**

1. **Prajakta Girish Deshpande,** )  
Age: 35 Years, Occu.Doctor, )  
R/o.Bhilwadi, Center Line, )  
Chopade Chowk, Tal Palus, Dist )  
Sangli )  
)
2. **Swaranjali Girish Deshpande** )  
Age: 10 Yrs., Occu.Education, )  
R/o.Through Prajakta Girish )  
Deshpande A/p Bhilwadi Tal )  
Palus Dist Sangli )

**Respondents**

3. **Shruti Girish Deshpande,** )  
Age 6 Years, Occu.Education, )  
Minor, R.No.1 Guardian, )  
R/o.Bhilawadi, Tal.Palus, )  
Dist.Sangli. )  
)
4. **Sanjeev Govind Deshpande,** )  
Age 70 Years, Occu.Agri., )  
R/o."Purva Punyai" Karawadi, )  
Tal.Karad, Dist.Satara. )  
)
5. **Sou.Shaila Sanjeev Deshpande,** )  
Age 68 Years, Occu.Household, )  
R/o."Purva Punyai" Karawadi, )  
Tal.Karad, Dist.Satara. )  
)
6. **Sou.Neelam Devendra @** )  
**Prashant Kulkarni,** )  
Age 46 Years, Occu.Household, )  
R/o.Kalpataru" Near Radha )  
Krishna Mandir, Lohar Galli, )  
Rahuri, Tal.Rahuri, )  
Dist.Ahamadnagar. )  
)
7. **Devendra @ Prashant Pramod** )  
**Kulkarni,** )  
Age 50 Years, Occu.Business, )  
R/o.Kalpataru" Near Radha )  
Krishna Mandir, Lohar Galli, )  
Rahuri, Tal.Rahuri, )  
Dist.Ahamadnagar. )  
)
8. **Sou.Meenal Girish Golvilkar,** )  
Age 44 Years, Occu.Service, )  
R/o.Near PWD office, Satara, )  
Dist.Satara. )  
)

**Respondents**

9. State of Maharashtra )  
Respondents )

**Application U/s.29 of the Protection of  
Women from Domestic Violence Act, 2005.**

Adv.Smt.P.S. Patole for the Appellant.

Adv.S.B. Deshmukh for the respondents.

**JUDGMENT**

(Delivered on 24.03.2025)

1. The appellant being aggrieved by order passed by Ld. JMFC below Exh.5 in Cri. M.A. No.10/2023 dt. 14.08.2023 granting interim maintenance of Rs.5,000/- each per month to respondents No.1 to 3. Perused the appeal memo and documents relied by both sides. Heard Ld. Counsel Smt. P.S. Patole for the appellant and Ld. Counsel Shri S.B.Deshmukh for the respondents.

2. The appellant is husband of respondent No.1 and father of respondents No.2 and 3. Respondents No.4 to 8 are family members of the appellant. Ld. Counsel Smt.Patole for the appellants has given stress upon the aspect that respondent No.1 is a Homeopathic doctor. She has relied upon photographs and prescriptions in order to show that respondent No.1 is a practicing doctor and she has her own source of income. She further relied upon 7/12 extracts in order to show that respondent No.1 has inherited rights in agricultural land from her parental side. According to her, vital aspect of source of income is suppressed by respondent No.1 while filing affidavit

before Ld. Trial Court. She further attempted to show that name of the appellant is cancelled in various property records and he is not having existing rights therein. She further relied upon stay order in RCS No.59/2024 passed by the Court at Karad and stated that agricultural land could not be cultivated by the appellant. All these vital aspects are not discussed by Ld. Trial Court while passing impugned order. She has further stated that respondent No.1 herself had left home on 27.10.2022. She had received notice on the same address. She further relied upon bank statements in order to show that respondent No.1 is having substantial amounts credited in her bank account and she is receiving benefits of various government schemes. She relied on the observations in case bearing No.**RPFC No.207 of 2020 decided on 12.03.2025 by Hon'ble Kerala High Court** for stating that a wife who chooses to live separately without sufficient reason is not entitled to maintenance under section 125(4) of the Cr.P.C. (section 144 (4) of BNSS). By pointing these details, she sought indulgence of this Court in impugned order by allowing the appeal.

3. Ld. Counsel Shri S.B. Deshmukh for respondents No.1 to 3 submitted that the appellant is a doctor having two daughters. Impugned order is passed after considering school expenses of children and expenses for maintenance. Daughters are in the custody of respondent No.1. Maintenance amount is reasonable. Daughters are taking education in English school.

There is no ground for reduction of maintenance amount. The appellant has deposited Rs.20,500/- only. Remaining arrears of maintenance are not yet paid. Impugned order is not complied. Proceeding is being prolonged. Second witness of the appellant is being examined before Ld. Trial Court. Proceeding is likely to be closed in near future. Work of present appeal is delayed in order to prolong proceeding before Ld. Trial Court. The appellant has constructed RCC house for the respondents. The appellant has a tractor. He has sound financial position and he can pay maintenance amount. He prayed for dismissal of the appeal.

4. If rival submissions are taken into account, it appears that respondents No.1 to 3 had sought maintenance of Rs.10,000/- each (Rs.30,000/- total). Ld. Trial Court has considered needs of the respondents including educational expenses of respondents No.2 and 3. Moreover, source of income is available to the appellant in the form of agricultural land and by running clinic namely; Shriram Samarth Clinic. It is also taken into account that the appellant had constructed one RCC Bungalow at village Bhilawadi. Ld. Trial Court also considered that respondent No.1 was subjected to domestic violence and she had filed one cognizable case for offence under section 323, 504 and 506 of the IPC. Ld. Trial Court has appreciated all relevant aspects in proper perspective and therefore, it felt it necessary to reduce maintenance amount to

the extent of Rs.5,000/- each (Rs.15,000/- total). Therefore, it is not appropriate to modify said order merely because the appellant is insisting to consider available source of income to respondent No.1. Deep appreciation of evidence is not warranted while granting interim relief of maintenance. Ld. Trial Court has considered all relevant factors while passing impugned order. This is not a case where respondent No.1 left company of the appellant without sufficient reason and therefore, ratio in above referred citation cannot be applied to the facts of the present case. Impugned order does not call for interference. Therefore, appeal deserves to be dismissed. Hence, I pass the following order: -

**ORDER**

1. PWDVA Appeal No. 25 of 2024 is hereby dismissed with costs.

2. The appeal is disposed of accordingly.

(Dictated and pronounced in open court)

Vita  
dt.24.03.2025

(R.R.Bhagwat)  
Additional Sessions Judge, Vita.

**CERTIFICATE**

I affirm that, the contents of this P.D.F. file, are same word to word, as per the original order/judgment.

|                                |                                      |
|--------------------------------|--------------------------------------|
| Name of Stenographer           | : S.V.Agnihotri (Steno Grade-I)      |
| Court                          | : DJ-1 & Addl. Sessions Judge, Vita. |
| Date of order                  | : 24.03.2025                         |
| Signed by Presiding officer on | : 24.03.2025                         |
| Uploaded on                    | : 24.03.2025                         |

