

**ORDERS ON APPLICATION U/SEC.U/sec.20 of DOMESTIC
VIOLENCE ACT.**

Sl.No.	Subject	Remarks
1	Provision under which the application is filed	Section 20 of DV ACT
2	Relief sought for	Interim maintenance
3	Number of the application	I.A.No.1
4	The date of which the application is filed	21.09.2023
5	The date of which the objections are filed by different opponents.	18.04.2024
6	The date of order.	23.04.2024

Petitioner has filed petition u/s.12 of DV Act against the respondent praying to direct the respondent to pay monthly maintenance of Rs.30,000/- to petitioner and for other reliefs. Along with the petition, the petitioner has maintained application u/s.20 for interim monthly maintenance.

2. The respondent has filed objection to the main petition and to the present application under consideration.

3. Heard advocate for petitioner and respondent. Also perused materials available on record.

4. Perused documents produced along with petition and at the time of arguments.

5. Petition discloses that petitioner is the legally wedded wife of respondent. The petitioner submits that she has been neglected and thrown out of the house for not bringing dowry

amount, where the respondent is not providing the proper food, shelter and other basic needs to her, hence the petitioner has come before the court seeking maintenance.

6. The counsel for the petitioner submitted that the respondent is working in Railway's and earning salary of Rs.50,600/- per month and also having sufficient properties, but the respondent is not coming forward to maintain the petitioner, hence prayed to allow the application.

7. The counsel for the respondent submitted that, the respondent is the husband of the petitioner and he is earning minimum amount, where, take-home salary is very less and also he has take care of the aged parents and he is unable to pay the maintenance to the petitioner, who have voluntarily left the house without any reasons.

8. The court has perused the assets and liabilities of the parties, where respondent is working in Railway, where he has produced salary certificate, however, the counsel for respondent says that the take-home salary of the respondent is Rs.13,295/- and also the same is mentioned in Assets and Liabilities but the salary slip produced by the respondent itself shows that he is having gross salary of 45,000/- plus.

9. No doubt it is the duty of the respondent to maintain the wife and children and he cannot escape from the clutches of the law. The respondent is having bounden duty to maintain his wife. At the same time, it is the duty of the petitioner to disclose each and every facts and also her income obtained from any of the mode.

10. At this stage the court need to peruse the documents, whether the petitioner is unable to maintain herself and at the same time, whether the respondent has neglected to maintain the petitioner.

11. The Hon'ble apex court at various times has also held that :

*"While granting permanent alimony, no arithmetic formula can be adopted as there cannot be any mathematical exactitude. It shall depend upon the status of the parties, their respective social needs, the financial capacity of the husband and other obligations. **The duty of the Court is to see that the wife lives with dignity and comfort and not in penury.***

12. It is to be noted that it is the duty of the respondent to maintain the wife. Even if the respondent's parents is suffering from medical ailments, but he cannot escape the liability to maintain the wife. The respondent is an employee and also has furnished rent agreement, medical certificates, bills, screen shot of phone-pay to show that he is having liabilities, however, the petitioner cannot be neglected and maintenance needs to be paid by the respondent.

13. Moreover, all the evidence and records will be considered at the passing of final order, but at the interim stage, the petitioner is entitled for maintenance. The court needs a full fledged trial to consider the case as to whether the petitioner has left voluntarily without any reason, but at this stage, as per the law of necessity the petitioner is entitled for maintenance, hence, in the interest of justice, and on

humanitarian grounds, maintenance amount need to be awarded, hence the following:

ORDER

Interim application filed U/sec.20 of DV Act filed by the petitioner is allowed in part.

Respondent is directed to pay interim maintenance of Rs.7,000/- per month to petitioner from the date of main petition till further orders.

The respondent shall pay the arrears i.e., from the date of petition till today by the next date of hearing.

Since there is an element of settlement, call before mediation and before court on 22.07.2024.

(Dictated to the Stenographer directly on computer, corrected and then pronounced by me in open Court on this the 23rd day of April 2024.)

Sd/-

(Ram Prashanth M.N.)
Prl.C.J. & JMFC, Kadur.