

**ORDERS ON APPLICATION FILED UNDER SECTION
23 OF THE PROTECTION OF WOMEN FROM
DOMESTIC VIOLENCE ACT**

The petitioner by way of this application is seeking for interim order of monetary relief of maintenance of Rs.20,000/- per month.

2. The petitioner's case is that she and the respondent got married on 25.12.2022. They both were lived happily for 1 month from the marriage but later, the respondent used to consume alcohol and started to abuse and harass the petitioner. Though panchayath was held by the elders and relatives of petitioner, the respondent did not mend his behaviour. The respondent despite having relationship with other female, he on her instigation also, has assaulted, abused and harassed the petitioner. The respondent has also demanded the petitioner to bring money from her parental home. Though the petitioner had tolerated the respondent with a hope that he will mend himself on the coming days, but on 11.02.2023, the respondent having took quarrel with the petitioner without any reason has ousted her from the residence. In this regard, the petitioner has also lodged complaint with Turuvekere Police Station. After all this, the respondent has not even enquired the wellness of petitioner nor did he provide maintenance to her. The respondent is carrying out business at Devanayakanahalli and from that and from agriculture, he is deriving income of Rs.50,000/- per month but the petitioner has got no source to look after her necessities and livelihood.

3. Respondent has filed memo adopting the statement of objections to main petition as objection to

the present application. Respondent has not disputed his marriage with the petitioner and their stay together but denied all other allegation in the petition and contended that the petitioner has not looked after him as her husband. In fact she herself was abusing and insulting the respondent. The petitioner has told him that she had no interest of marrying him but agreed only on request of her parents. Though the respondent has advised the petitioner to mend herself, but she was telling that she is not interested to live with him and she is intending to go to her parental house. At last, the petitioner without even informing the respondent has left his company. In spite of repeated requests by the respondent and his parents, the petitioner has not joined his company. The petitioner hails from rich family and she herself is working and got sufficient income. Whereas, the respondent is a farmer and his income is enough only to eke out necessities. Petitioner has also filed divorce petition before the Hon'ble Senior Civil Judge, Mudigere. She has filed this petition only to harass the respondent. Petitioner has took all her belonging while leaving the house of respondent. Since the petitioner herself has left the respondent, he is not liable to pay compensation. On the above grounds, the respondent seeks for rejection of the application.

4. On basis of the above contentions, the following points do arise for consideration:

1. Whether the petitioner has made out sufficient grounds to grant her the interim order as sought for?

2. What order?

5. Heard both side and also perused the entire materials on record. Now, this Court answers the above points as follows:

Point No.1: **In Partly Affirmative**

Point No.2: **As per final order
for the following:**

REASONS

6. Point No.1: In this petition, the petitioner has contended that she is the wife of respondent and that the respondent has subject her to Domestic Violence. Now by way of present application, the petitioner is seeking for interim maintenance of Rs.20,000/- PM alleging that she has no income for her livelihood and the respondent, till date, has not paid any maintenance to her. There is no dispute that the petitioner is the wife of respondent and she has alleged that the respondent has subjected her to domestic violence by abusing, assaulting her and also ousted her from the residence. She has also contended that the respondent has not provided her with maintenance though she is residing at her parental home.

7. The respondent having denied the allegation made against him, has contended that the petitioner has voluntary left his company and it is she who was abusing and insulting him as she had no interest of marrying him but agreed only on request of her parents. Respondent has also produced certified copy of petition in MC. No. 21/2023 wherein the petitioner has sought for divorce making similar allegations against the respondent. Though both the parties have made allegations against each other, these allegations are to be considered after

full fledged trial. The specific contention of petitioner is that she has got no income and she is residing separately. The petitioner living separately is not at dispute but as per the respondent, the petitioner has got salary and she herself has left his company without any reason. There is nothing on record at this stage which would show that the petitioner is earning and also about the income of respondent.

8. Consideration of income of respective parties cannot be made while determining the point of granting interim order, but the duty casted upon the husband to look after his wife, save the otherwise provided under the statute, cannot be kept at dark and if the case of respondent falls under such otherwise shall have to be decided after full fledged trial. The scope of section 23 of DV Act is wide as the interim order can also be granted if there is a likelihood of commission of domestic violence. Herein the case, the petitioner is residing separately and there is nothing on record placed by the respondent to show that he is maintaining the petitioner. Hence, for the foregoing, this court is of view to grant interim monetary relief by way of maintenance of Rs.2,000/- per month to the petitioner. Accordingly point No.1 is answered in **partly affirmative.**

9. Point No.2: In view of the reasons recorded on the above point No.1, this Court is of view to allow the above application in part. Hence, the following:

ORDER

Application filed by the petitioner under Section 23 of Protection of Women From Domestic Violence Act, is allowed in part.

Interim monitory relief is hereby granted directing the respondent to pay the petitioner a sum of Rs.2,000/- per month till disposal of the above petition.

**For petitioner evidence by:
07.01.2024.**

Sd/-

**(Vishwanath A.)
C/c Addl. Civil Judge & JMFC.,
Mudigere.**