

ORDERS ON AD-INTERIM EX-PARTE MAINTENANCE

1. The petitioner has filed an interim application U/Sec.12 Women Domestic Violence Act 2005 claiming for an interim maintenance amount of Rs.15,000/- p.m. to the petitioner.

2. The petitioner in his application has stated that she is the resident of Devikoppa village of Kalaghatagi Taluka, Dharwad District and that her marriage was duly solemnized on 10-12-2025 in front of respondent house at Devikoppa village of Kalaghatagi Taluka, Dist: Dharwad. After the marriage the petitioners and the respondent lead his married life .

3. The respondents and their family members had subjected petitioner to severe ill-treatment , physical and mental torture.

4. Due to all such activities of the respondents, the petitioner will unable to tolerate tortures. Respondent also failed to maintain the petitioner. Since, petitioner has no independent income they were constrained to file this application.

5. The respondent is a working in Piney collection at Annapurna finance and he was earning of Rs.35,000/- per month and he is an agriculturist. Besides the respondent owns movable

and immovable properties and is leading a luxurious lifestyle. Whereas , on the other hand petitioner submits, vide an affidavit, that she does not have any property and that she suffers pain and agony without proper basic necessities.

6. Now, that the petitioners are unable to maintain the themselves have approached this court for maintenance. Accordingly, prays for an order of ad-interim ex-parte maintenance.

7. Heard the arguments of the petitioner and perused the materials on the record, the following points arise for the consideration of this court:

POINT NO.1: Whether the petitioner is entitled
for ad-interim ex-parte maintenance?

POINT NO.2: What order ?

8. The findings of this court are as under:-

Point No. 1 : Partly in the affirmative

Point No.2 : As per the final order

REASONS

9. **Point No. 1 :** The petitioner has filed an interim application /Sec.12 Women Domestic Violence Act 2005 claiming for an interim maintenance amount of Rs.15,000/- p.m. to petitioner.

ii) From the averments made in the affidavit appended to the application it appears that the respondent is working Piney collection at Annapurna finance and he was earning of Rs.35,000/- per month and he is an agriculturist. Besides the respondent owns movable and immovable properties and is leading a luxurious lifestyle. Besides the petitioners are living a life of grief stricken poverty without proper food and clothing. The petitioner has given money and gold ornaments in a marriage time.

iii) The income of one party is often not within the knowledge of the other spouse. In the light of this, Respondent is bestowed with the burden to prove his income which is within his personal knowledge (as per ***Sec.106 of Indian Evidence Act***).

iv) It is the bounded duty of Respondent being the husband of petitioner, to maintain them by providing basic necessities of life and assuring a decent lifestyle. Although the materials brought on record by petitioners do not provide sufficient information as to financial capacity of Respondent, yet it being an incumbent responsibility of respondent to maintain his wife, this court is inclined to answer point No.1 ***PARTLY IN AFFIRMATIVE.***

10. Point No. 2 : For the reasons enumerated herein above, this court proceeds to pass the following :

ORDER

The application filed by the petitioner /Sec.12 Women Domestic Violence Act 2005. praying for ad interim ex-parte maintenance is hereby provisionally allowed in part.

Respondent is hereby directed to sum of Rs.4,000/- as per month as interim maintenance to the petitioner for supporting her livelihood.

Office is hereby directed to issue intimation of this order along with copy of the petition to the respondent and the jurisdictional police, Kalaghatagi PS for the information and record.

Issue intimation to the respondent.

R/by 15.05.2026.

**Civil Judge & JMFC
Kalaghatagi.**