

ORDERS

Petitioners have filed the present petition U/Sec. 12 of PWDV Act, 2005 against respondent who is husband of petitioner No.1 and father of petitioner No.2 & 3 seeking certain reliefs.

2. The petitioner No.1 has filed I.A.I U/Sec. 23(2) of PWDV Act, 2005 seeking ex-parte interim maintenance of Rs. 15,000/- per month from the respondent for maintenance of herself and child.

3. Heard learned counsel for petitioner. Perused the materials available on record.

4. In the affidavit annexed to the I.A.No.I the petitioner No.1 has stated that she is the legally wedded wife of respondent, their marriage was performed on 31.10.2013 at Banavase village, Sakaleshpura. Out of their wedlock she has given birth to petitioner No.2 & 3. Now the respondent in demand of dowry harassing petitioner No.1 and as deserted her company. Even though the petitioner

No.1 has made several efforts to change the behavior of the respondent. But all her efforts went in vain, petitioner No.1 along with her childre his residing in the her parents house and she does not have any independent source of income and she is finding difficulty to lead her normal life and maintain her day to day expenditure and maintenance of the child. The respondent is working as a driver and Timber merchant and earning about Rs. 35,000/- p.m. and also owning immovable property, in-spite of that he has not made any arrangement for the livelihood of the petitioners.

5. The petitioner No.1 has produced wedding card & wedding photographs in support of their marriage. As stated supra, the parties are living separately, at this juncture whether there is valid reason for living separately or there is any harassment to the petitioners as alleged in the petition cannot be ascertained at this juncture. The

same has to be considered along with the merits of the case. Till then, the petitioners who are dependent on the respondent cannot be allowed to starvation. It is bounded duty of the respondent to maintain his wife & children.

6. On reading of Section 23 of DV Act deals with the power to grant interim and ex-parte orders in any proceedings by the Magistrate. However, this court is prima facie satisfied on the affidavit filed by the petitioners that there is domestic relationship between the parties and aspect of domestic violence required to be adjudicated during the course of trail. Till deciding of said aspects, petitioners requires maintenance. The petitioners have prayed for interim maintenance of Rs. 15,000/- per month from respondent. However considering the above aspects and keeping the life style of the parties this court proceeds to pass following.

ORDER

The respondent is hereby directed to pay an amount of Rs. 3,000/- p.m. to the petitioner No.1 and Rs. 1,500/- each to petitioner No.2 and 3 totally Rs. 6,000/- p.m. towards expenses and basic necessities of the petitioners from the date of filing of the petition till disposal of I.A.

Office is directed to issue notice to respondent by RPAD, if PF paid.

Call for DIR report from CDPO, Sakaleshpura.

Call on: 05.09.2023.

**Civil Judge & JMFC,
Sakaleshpura.**