

**Order On An Application Filed Under Section 125(2) Of
Criminal Procedure Code**

Petitioners have filed the application under Section 125(2) of CrPC praying this Court to pass an ex parte interim order directing the respondent to make payment of Rs 10,000/- per month to the petitioner no 1 and Rs 5000/- per month to the petitioner no 2 towards their maintenance till the disposal of the above case.

2. Petitioner no 1 has filed an affidavit accompanying the said IA averring that, she is the wife of respondent and Petitioner no 2 is their daughter and out of marriage of petitioner no 1 and respondent three children were born and after marriage they laid happy married life for ten years and thereafter respondent harassed her mentally and physically and did not lend any amount for their daughter's marriage and spent his ancestral yield on his drinking habit .As he was about to sell his ancestral property , for well being of her children she has filed O.S No 143/2022 and for filing the case ,he has bet her and driven her out from the house. The petitioner no 1 is finding it difficult to earn her livelihood and is facing financial problem with respect to her children education and further, as she is not keeping

well she is not able to do coolie work and petitioner no 1's son has secured 95% in PUC and for his studies there is a need of money and petitioner no 2 is in 9th standard and for her well being also, she needs maintenance amount of Rs 5000/- and respondent has 2 acres of irrigated lands and he gets amount of Rs 5,00,000/- per year from said land and yet he is neglecting in maintaining them and hence, pray the Court to allow said application.

3. Heard the petitioner counsel and perused the materials on record.

4. On perusal of the materials on record it appears that, the petitioner no 1 has averred in the petition and the application affidavit that, she is the wife of the respondent and petitioner no 2 is their daughter and to substantiate the same, she has produced the aadhar card notarized copies of petitioners, marriage invitation card of petitioner no 1 with respondent, School certificate of petitioner no 2 and Ration card of petitioner no 1 reflecting that, petitioner no 1 is wife of respondent and that, they have three children including petitioner no 2. Hence she being the wife of the respondent and petitioner no 2 their daughter, it is his duty to maintain them. Further petitioner no 1 states that, she is finding it difficult to earn her livelihood and is facing financial problem with respect to her children education and further, as she is not keeping well she is not able to do coolie work and petitioner no 1's son has secured 95% in PUC and for his studies there is a need of money and petitioner no 2 is in 9th standard and for her well being also, she needs maintenance amount of Rs 5000/- and respondent has 2 acres of irrigated lands and he gets amount of Rs 5,00,000/- per year from said land and has filed declaration of assets and liability statement in this regard and thereby, she would be entitled to reasonable maintenance amount. Further whether respondent has given harassment to the petitioner no 1 is the contentious issues which can be decided only after trial. Though petitioners have filed RTC extract of Syno 125/2 reflecting name of Respondent in column no 9, it is difficult to say at this juncture that, he is getting Rs 5,00,000/- yield per year from said land. Hence as the petitioner no 1 has not filed any document at this juncture to show that, the respondent is getting an earning to the extent alleged by her, maintenance amount cannot be granted to the extent claimed by her but, on the perusal of records as it appears that, the petitioner no 1 is the wife and petitioner no 2 is the daughter of respondent, they are entitled for the reasonable maintenance amount and hence, I proceed to pass the following

ORDER

The Respondent is directed to make the payment of interim maintenance amount of Rs 10,000/- per month to the petitioners from the date of application till further orders.

Issue notice of I.A No1, notice of order of I.A No 1 and notice of main petition to the respondent returnable by 8/9/2023.

sd/-

(NASRAT MUKHTAR AHMED KHAN)

CIVIL JUDGE AND JMFC, SHIGGAON