

ORDER ON APPLICATION FILED UNDER SECTION 20 OF

P.W.D.V.ACT

The present application is filed by the petitioners against the respondents for interim maintenance order of Rs.3,000/- per month to the petitioner No.1 and Rs.2,000/-each to the petitioners No.2 and 3.

2. Further it is stated that she is legally wedded wife of respondent No.1 and respondent No.2 is his father and the marriage of respondent No.1 and petitioner was solemnized on 16.12.2011 at Sharan Mantap, Aland and out of the said wedlock, two children were born. Further stated that after the marriage it is notice by the petitioner No.1 that the respondent No.1 is irresponsible and lazy and addicted the bad habits like consuming liquor and gambling as well and when she informed the said fact to the respondent No.4, he has not said anything further he strictly warned the petitioner and her parents to bear the circumstances as they are and after that the petitioner No.1 tolerated the said acts of respondent No.1 believing that he may change himself in future, but the respondent No.1 is continued his vices and it increased day by day and he started abusing the petitioner No.1 in filthy language and on several occasions he physically brutally assaulted her and finally he threw them out of house in the night and closed the door from their on wards the petitioners are residing in the house of parents of petitioner No.1 at Chinchansoor village from last 1-year.

3. That all the attempts made by the father of the petitioner No.1 to solve the matter amicably are went in vain because, the respondent No.1 is not ready to leave his bad habits. On 24.03.2023 the respondent No.1 issued a notice to resume cohabitation with respondent No.1 by making false allegations and the petitioner No.1 replied the said notice through her counsel by narrating all trues facts and demanding separate maintenance, but respondent not paid any maintenance therefore, based on the above said circumstances, it is impossible for the petitioners to reside with the respondent hence, she constrained to file present petition and prays to allow the same.

4. On the other hand the respondent No.1 filed objection to main petition and also stated that said objections may be treated as objections to the present application. On perusal of the said objections it reveals that the respondent No.1 admitted the relation but he denied other allegations and further contended that the petitioner No.1 herself staying away from the respondent No.1, hence he is not liable to provide maintenance and prays to reject the application.

5. Heard. Perused, on perusal of the petition, application and documents that has been produced along with the said petition wherein it revels that the relation between parties not denied. Further there are prima facie materials, at this stage, to consider the submission made by the petitioner No.1 that the respondent No.1 has neglected the petitioners by not meeting the maintenance

and expenses and the contention of the respondent No.1 that the petitioner No.1 herself staying away from the respondent No.1. Requires trial/inquiry which may requires some longtime. Further the petitioners requires reasonable amount as maintenance until pending disposal of the main petition and further it is to be noted that if this interim maintenance not granted she will be put to great loss and hardship. On the other hand, the respondent No.1 is duty bond to maintain the petitioners. Hence, the Court proceed to pass the following;

ORDER

The respondent No.1 is hereby directed to provide interim maintenance of Rs.2000/- per month towards petitioner No.1 and Rs.1500/- each to petitioners No.2 and 3 from the date of filing of the petition till further orders.

For P/Evidence.

Call on 09/10/2024.

**Addl.Civil Judge & JMFC
Aland**