



**IN THE COURT OF CIVIL JUDGE AND J M F C AFZALPUR AT:  
AFZALPUR**

**\*\*\* PRESENT \*\*\***

Sri. ANIL AMATE

B.A. LL.B (Hon's)

Civil Judge and JMFC Afzalpur

**THIS 03<sup>RD</sup> DAY OF FEBRUARY 2025**

**Crl.Misc. No.378/2022**

PETITIONERS :

1. Smt. Savita W/o Kumar Pawar  
Age : 35 years, Occ : Household,
2. Bhagyashree D/o Kumar Pawar  
Age : 14 years, Occ : Nil,
3. Shusheela D/o Kumar Pawar  
Age : 12 years, Occ : Nil,  
All are R/o Chowdapur Tanda, Tq Afzalpur  
Dist : Kalaburagi, petitioner No.1 & 2 are minors  
U/G of their natural mother i.e. Smt. Savita

**:Versus:**

RESPONDENTS :

1. Kumar S/o Billu Pawar  
Age : 42 years, Occ Driver
2. Anita S/o Lalasingh Rathod  
Age : 32 years, Occ : Household



3. Smt. Seetabai W/o Billu Pawar  
Age : 60 years, Occ : Household,
4. Billu S/o Krishana Pawar  
Age : 65 years, Occ : Agriculture,
5. Lalasingh (Lalappa) S/o B. Rathod  
Age : 64 years, Occ : Agriculture
6. Hemlabai W/o Lalsing (Lalappa) Rathod  
Age : 61 years, Occ : Household,
7. Sunita W/o Raju  
Age : 29 years, Occ : Household,
8. Vilas S/o Lalsingh (Lalappa) Rathod  
Age : 21 years, Occ Agriculture,  
All are R/o Chowdapur Tanda, Tq Afzalpur,  
Dist : Kalaburagi.

### **ORDERS ON INTERIM MAINTENANCE APPLICATION**

The petitioners have filed application under Sec.23(2) of D.V.Act seeking interim maintenance amount of Rs.15,000/- to the petitioners in order to their livelihood for necessary requirement of food, cloth, shelter, medical expenses and other expenditures till disposal of this petition.



2. In the annexed affidavit it is stated that, the petitioner No.1 deposed that she knows all the contents of this application, she filed this petition against the respondent under PWDV Act, 2005. Further contented that in order to avoid the repetition of petition contents, consider the petition averments as her affidavit and prayed for allow the interim maintenance. In the petition it is averred that the petitioner No.1 has legally wedded wife of respondent and their marriage was solemnized on 20.06.2005 at Choudapur Tanda, as per rites and customs prevailed under their community, thereafter the petitioner No.1 and respondent have lived together for 5 years as husband and wife, during their wedlock petitioners No.2 and 3 were born as their children, after 2010 the respondent has started physical and mental cruelty towards petitioner No.1 on one or other reason by abusing her in filthy language and respondent had illicit relationship with respondent No.2 and got married with her without knowledge of the petitioner No.1 on 08.12.2021 made complaint before the VKG Santvankendra and child and woman development officer Afzalpur. They have called the respondent



made conciliation and the respondent he married with respondent No.2, he agreed to give an amount of 3 lakh rupees and one house property situate at Choudapur to petitioner No.1 and also ready to pay the expenses of marriage of the petitioner No.2 and 3 but thereafter the respondent No.1 absconded and failed to fulfill all these promise made by him. The respondent No.1 is working in construction company as driver and getting Rs.30000/- salary for month. Hence he is able to pay interim maintenance to petitioner, therefore the petitioners prayed that be pleased to allow the above said application.

3. Per contra the respondent No.1 has filed objections to the above said application, it is contended that he was born in poor family, for his livelihood he has to work everyday, he is not working as driver as stated by the petitioner No.1, the petitioner No.1 is already in possession house No.1-49 by threatening the respondents, illegally mutated her name in the house property records. Further it is contended that he is presently doing coolie work in Mumbai, he is unable to provide interim maintenance to petitioners, for all



these reasons the respondent prayed that be pleased to reject the application.

4. Heard both side arguments, in view of above the following points that would arise for my consideration is as below:-

1. Whether the petitioners have made out prima-facie reasons so as to allow the above said application?
2. What order?

5. My answer to the above point as follows:-

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

Point No.2: As per final order

for the following:-

**:: R E A S O N S ::**

6. **Point No.1:-** In order to substantiate their contention the petitioners have produced documents among them Photographs of marriage , house property extract, report of Santvana kendra and CDPO Afzalpur, as such so on careful perusal of all these documents herein it is made out the fact that the petitioner No.1 is



legally wedded wife of respondent and petitioners No.2 their child.

The petitioners and respondents not filed their declaration of Assets and Liabilities in compliance of direction of the Hon'ble Supreme court issued in **Rajenesh Vs Neha and another reported in 2020 SCC On-line SC 903**. So far as income is concerned the petitioner and respondents at this stage, it is difficult ascertain their assets and liabilities, by taking into consideration above said facts and circumstances and arguments rendered by the both parties, there is no doubt since from desertion as stated in the petition the petitioners have been residing with their parents house, for which herein taken into note that neither the period of arguments nor in the objections the respondent failed to specify that he has made all arrangements to the petitioners for their fundamental daily needs, on that point itself this court come to the conclusion that he has failed to maintain the petitioners, therefore it is bounden duty of the respondent to provide all necessary requirements to the petitioners, so that he is liable to give maintenance



amount to the petitioners in order to lead their life.  
Hence this court proceed to pass the following:

**:: ORDER ::**

Interim maintenance application is filed by the petitioners is hereby by allowed.

Consequently the respondent is hereby directed to pay for an amount of Rs.1,000/- per month to the petitioner No.1 to 3 each as interim maintenance amount from the date of filing of the petition till disposal of this case.

Hence call for petitioner's evidence.

(Dictated to the Stenographer directly on computer, typed by him, corrected by me and then pronounced in open court on this the 3<sup>rd</sup> day of February-2025)

**(Anil Amate.)**  
Civil Judge & J.M.F.C.,  
Afzalpur