

MHKO140000802025	<u>ORDER BELOW EXH.5 IN P.W.D.V.A. No.2/2025</u> Manisha Hanmant Patil & Ors. Vs. Hanmant Suresh Patil & Ors.
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This is an application under section 23 of the Protection of Women From Domestic Violence Act, 2005 (*herein after referred to as the 'the D.V.Act.'*) for grant of interim monitory relief. Non-applicant No.1 to 5 have failed to file say. Hence, proceeded without say of non-applicants.

2. Read the application and documents filed on record. Heard, ld. Adv. for applicant Shri. A. S. Kamble. Despite opportunity ld. Adv. for opponent failed to argue upon this application. Hence, application proceeded without argument of Non-applicants.

3. Following points arise for determination along with my findings thereon as under.

Sr. No.	Points	Findings
1)	Whether the applicant no.1 and 2 are entitled to the interim maintenance as prayed for?	Partly Yes.
2)	Whether applicants are entitled relief of protection order as prayed for?	Yes.
3)	What order?	As per final order.

As to point no.1 & 2:-

4. Both points are interlinked with each other hence taken together for discussion.

5. While considering an application under section 23 of D.V.Act, which is certainly a prima-facie phase of interlocutory adjudication, the Court is not supposed to go deep into the merits of the case or the evidence

which may be brought on record at trial. Even at this stage, it is not expected of an aggrieved person to bring the proof of pleaded allegations. Same thing is applicable to the respondents who are also not supposed to prove or disprove any allegation by them or against them.

6. The application is not contested by the Non-applicant No.1 to 5. Whereas the applicant has filed affidavit in support of her pleadings and stated on oath that, all the allegations leveled by her in the application are true and correct. Therefore, I am inclined to prima-facie believe the oath. Allegations leveled against non-applicant is prima-facie appearing to satisfy the ingredients of domestic violence as defined under section 3 of the D.V.Act. Whether the allegations leveled by the applicant are true or not, is a matter of adjudication on merit of the case. Now, only aspect of determination is whether it is just and necessary to pass interim order as prayed by the applicant.

7. During the pendency of this application, non-applicant No.1 has not paid single amount of maintenance to the applicant. The said fact is also admitted to the applicant. Being the husband of the applicant, it is not only moral but also legal obligation of non-applicant No.1 to ensure her living and livelihood.

8. There is nothing on record to show that, the applicant having any means of income. Therefore, the applicant prima-facie appear to be not having means of income. The applicant pleaded that, the non-applicant No.1 is Motor Mechanical and thereby he is earning Rs.30,000/- to 35,000/- per month income. Also, non-applicants have landed property, own house and one flat and from that they get rupees Ten Lakhs income per year. The applicant in support of said contention have placed documents of landed property of non-applicants with list Exh.3.

9. Applicant claim Rs.10,000/- per month as their maintenance. According to applicant income of non-applicant no.1 is of Rs.30,000/- to

35,000/- per month. No one is dependent on him. The applicants have filed various 7/12 extracts, house extracts of non-applicants which shows that the non-applicants are having income source. During pendency of this case, the applicant would require maintenance to maintain herself and her daughter. Food, cloth, shelter are the basic needs of the human being. Without satisfaction of that three basic needs right to life and personal dignity have no importance. Hence, the applicant is entitled for monthly interim maintenance. Therefore, applicant must be awarded with some sort of interim monetary relief. Considering all these aspects, amount claimed by the applicant, basic needs and medical expenses of applicant no.1 & 2, educational expenses of applicant no.2 an amount of Rs.8000/- (Rupees Eight Thousand Only) per month in the form of interim maintenance is sufficient for their maintenance. Hence, it is necessary to direct non-applicant no.1 to pay amount of Rs.8000/- (Rupees Eight Thousand Only) per month to the applicant no.1 & 2 from the date of filing of the present application. Further, non-applicant no.1 is directed not to cause any act of domestic violence to the applicant and not to contact to the applicant in any form and not to enter the premises where applicant is residing. Hence, I answer point no.1 & 2 in Partly Affirmative.

As to point no.3:-

10. In view of point no.1 & 2 the applicant is entitled to the relief of interim maintenance and protection order. In the result, I pass the following order.

ORDER

1.	The application is partly allowed.
2.	Non-applicant no.1 to pay Rs.8,000/- (Rupees Eight Thousand Only) to the applicant per month from the date of filing of the present application.
3.	Copy of this order shall be given free of cost, to the parties to

	the application, protection officer and concerned police station.
4.	Parties to take note of this order.
	(Dictated & Pronounced in open Court)

Chandgad.
Date:- 21/07/2026.

(A. N. Sarak)
Judicial Magistrate First Class,
(1st Court), Chandgad.