

ORDER ON I.A No.1

The petitioners have filed this I.A No.1 for interim maintenance U/s 20 of D.V Act and for accommodation in the shared household U/s 19 of D.V Act.

2. In the affidavit petitioner No.1 contends that, the petitioner No.1 is the legally wedded wife of the respondent and their marriage was solemnized as per the customs prevailing in their community. After the marriage, the petitioner No.1 went to the house of respondent to lead married life. Out of their wedlock the petitioner No.1 gave birth to the petitioner No.2 and later the respondent started physical and mental harassment and also the respondent completely neglected the

petitioners and also forced petitioner No.1 to get more dowry from her parents and used filthy language to petitioner and her parents. She further states that, on 28.10.2024 respondent thrown the petitioners out of this house and since from then petitioners are residing in the entrance of the house of the respondent. Hence, the petitioners have filed the petition against the respondent under the Protection Of Women From Domestic Violence Act and filed the present applications for interim maintenance to the petitioners and also sought for accommodation in the share house hold.

3. To support the contention of the petitioner, the petitioner No.1 has produced the Marriage Invitation Card, Marriage photos, copy of the complaint given to CDPO, Aadhar cards of petitioner and respondent , notice issued by respondent to the petitioner for divorce and copies of rental charges of vehicles, and copy of MC petition filed before Hon'ble Senior Civil Judge, Kanakapura , Upon going through the material placed on record it can be said that the petitioner No.1 is the

wife of respondent and petitioner No.2 is the daughter of respondent. At this juncture, nothing is produced to show probable income which respondent is getting. However, at this stage the exact source of income of the respondent is improbable but the respondent being the husband of the petitioner No.1 and father of petitioner No.2, it is his boundened duty to maintain the petitioners . As such considering the facts and circumstances of the case and relationship of the parties and their status, at this juncture the court is of the opinion that the petitioners are entitled to interim maintenance during pendency of proceedings in order to meet their basic necessities. The petitioners have also sought for accommodation in the shared house hold. But the petitioner did not pleaded and stated which is the shared household and also at this stage court cannot consider whether petitioners were thrown out of house or left house voluntarily. Hence, under such circumstances, this court is of the opinion that, till the disposal of the petition, the petitioner No.1 is entitled to ad-interim

exparte monthly maintenance of Rs.3,000/- and also petitioner No.2 is entitled to ad-interim exparte monthly maintenance of Rs.2,000/- and in respect of accommodation is concerned there is no sufficient material. Hence, at this stage the petitioners are not entitled the relief of ad-interim exparte residential order in a shared house hold. Hence, **this court proceed to pass the following:**

ORDER

I.A No.1 filed by the petitioners is hereby partly allowed.

The respondent is directed to pay the ad-interim exparte monthly maintenance of Rs.3000/- to the petitioner No.1 and Rs.2000/- to the petitioner No.2, from the date of petition till the disposal of the petition subject to changes after the appearance of respondent.

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The prayer of the petitioners for accommodation in the shared house hold at this stage cannot be considered and same will be considered after the appearance of respondent.

Issue notice to respondent R/by
07.04.2025.

II Addl., Civil Judge & JMFC.,
Kanakapura.