

19.01.2024

Petr:- Sri. J.P., Adv.

For Orders

ORDER ON INTERIM APPLICATION

Petitioner has filed petition U/Sec.23(2) of D.V. Act, seeking interim maintenance of Rs.12,000/- per month by the respondent.

2. In the application it is contended that, the petitioner is the legally wedded wife of respondent

and their marriage was solemnized on 15.02.2021 at Sri. Basaveshwara Swamy Convention Hall, Karlahalli. At the time of marriage the partents of petitioner gave valuable golden articles and cash of Rs.5,00,000/- to the respondent as dowry. After marriage petitioner and respondent have resided together for a period of 1 year. Then after the respondent neglected to provide the basic necessities of the life of petitioner and the respondent demanded dowry an amount of Rs.5,00,000/- from the parents of petitioner. The respondent having floor mill, provision store and he is working as BTS Bus Driver and earning Rs.1,00,000/- per month. Hence, prays to allow the application.

3. After serving of notice to the respondent has appeared before the court through his counsel and filed objection by denying the contents of petition and further contended that, the petitioner herself left the house of respondent and refused to live with the respondent. Hence, prays to reject the application.

4. Heard the counsel for petitioner. Even though sufficient opportunity the counsel for respondent not addressed argument. Hence, argument on maintenance application taken as nil.

5. Upon hearing the following points arises for my consideration:

1. Whether the application filed by the petitioner is deserves to be allowed?
2. What order?

6. My answer to the above points are as under:

Point No.1:- Partly in the Affirmative.

Point No.2:- As per final order for the following:

REASONS

7. **Point No.1:-** The petitioner has filed petition seeking maintenance from the respondent. After issuing notice the respondent appeared before the Court. The petitioner stated that, the respondent is earning more than Rs.1,00,000/- per month. But at this stage no documents have been produced by the petitioner to show the income of the respondent. Perused the records available but there is no dispute about relationship of the petitioner and the respondent. At this stage I am of opinion that, the petitioner has made out prima-facie ground in her favour. By considering the facts and circumstances of the case and present daily life needs this Court is of opinion that if Rs.3,000/- to the petitioner allowed as interim monitory relief would meet needs of

petitioner. Accordingly, I answer point No.1 in the partly **Affirmative**.

8. **Point No.2:-** In view of above discussion in point No.1, I proceed to pass the following:

ORDER

The application filed by the petitioner U/Sec. 23(2) of D.V. Act is hereby allowed in part.

The respondent is hereby directed to pay monthly interim monetary relief of Rs.3,000/- to petitioner from the date of the application.

For petitioner evidence call on 21.02.2024.

**Prl. Civil Judge & JMFC,
Magadi.**