

ORDER BELOW APPLICATION AT EXH- 12

1. Through this application, the applicant Mrs. Radhika Ravindra Thavi has applied for grant of interim order u/Sec. 23 of the PWDV Act 2005 and claiming maintenance of Rs.10,000/- per month for her monthly expenses towards rent, house electricity, food, clothing, medicine, shelter etc. and Rs. 10,000/- towards litigation expenses and for other reliefs u/Sec. 18 and 19 of D.V. Act.

2. In short it is contended by the applicant that, respondent No.1 is her husband and respondent No. 2 is her brother-in-law and respondent No.3 is the wife of respondent No.2. Her marriage was performed on 17/04/2000 with respondent No.1 as per customs, traditions and rites at Konkanasya Shimpi Jatiya Namdeo Wadi Sangh Karyalaya, Naupada, Thane and after marriage she resided with respondents in 'Shared Household' at KWM 2/6/10 Andheri Tape Village, Sabarmati CHS Ltd., Dadabhai Path No. 1, Andheri (W), Mumbai. There is age difference about 20 years between applicant and respondent No.1. At the time of marriage applicant's parents gave her gold ornaments which she sold during her sickness as the respondent did not take care of her. Respondent No.3 gave all house hold work to her and respondent No.1 harassed her by listening to the respondent Nos. 2 and 3. Respondent No.3 was very rude and arrogant and she completely neglected the applicant and poke her nose in every personal matters of the applicant. On 08/10/2001 she delivered baby boy namely Varun and all the expenses of delivery were borne by her parents.

3. It is further averred that, respondents harassed her mentally and physically in her matrimonial house resulting into domestic violence. The applicant has briefly narrated the incidence of harassment which prima facie shows causing domestic violence by respondents. The applicant approached and reported the incident to Women Dispute Redressal Agency Badalapur East and also approached concerned D.N. Nagar Police Station vide N.C. No.2342/2018 dated 11/07/2018 registered against respondent No.1.

4. Further, in support of this application, the applicant has annexed copy of marriage card, copy of birth certificate of her son, copy of letter dated 04/06/2016 from Women Dispute Redressal Agency, copy of Aadhar card, copies of photos of room, copy of NC dated 11/07/2018, copy of letter to SRA and BMC, copy of light bill and ration card and her affidavit of assets and liabilities at Exh.8. It is also mentioned in the affidavit and application that, the respondent No.1 is 12th pass and doing job as Security Guard and earning salary of Rs. 20,000/-. Hence, the applicant prayed to allow the interim application in terms of prayer clause.

5. Upon receipt of application, notices came to be issued to respondents who appeared and filed reply at Exh.14 and denied the contention of applicant. In support of say the respondent No.1 has filed his affidavit of assets and liabilities at Exh.10 and contended that, he is working as Security Guard and earning monthly income of Rs.7,000/-. He also stated that, applicant is earning Rs. 15,000/- monthly, however, no documents in support of said contention produced on record.

6. Heard learned Advocates for both side. Gone through the record and the documents produced on record. It appears that, the marital relationship between the parties is an admitted fact. Further the proceeding will take time to decide on merits. However, during the pendency of the application and keeping in view the object of PWDV Act, facts and circumstances of the case and specific allegations of domestic violence, I am satisfied to consider the applicant as an aggrieved person and victim of domestic violence. Therefore, necessary directions are required to be given against the respondents not to commit domestic violence with applicant in future.

7. Coming to the relief of maintenance, applicant has demanded Rs. 10,000/- towards monthly expenses and Rs. 10,000/- towards cost of litigation from respondent No.1 alongwith other interim relief relating to Shared Household u/Sec. 19 of D.V.Act. The respondent No.1 being the husband of applicant, is under legal, moral and social obligation to maintain applicant, who is able-bodied person and considering the affidavit of assets and liabilities of both parties, granting of interim maintenance of Rs. 5,000/- per month will be just and proper and the other relief to the extent of restraining respondents from dispossessing the applicant from Shared Household can be granted at this stage and other claim u/Sec. 19 can be considered and decided alongwith main application. Hence, I proceed to pass the following order:

ORDER

- i. Application at Exh.12 is partly allowed.

- ii. The respondents are directed not to commit any kind of domestic violence with applicant in future.
- iii. The respondent No.1 is directed to pay Rs. 5,000/-, (Rs. Five Thousand) per month to applicant towards maintenance allowance from the date of filing of this application.
- iv. Respondents are restrained from dispossessing the applicant from the Shared Household until the conclusion of trial.
- v. Copy of this order be given to both parties free of cost.

Sd/-

(R. M. Shaikh)

**Metropolitan Magistrate,
10th Court, Andheri, Mumbai**

Dt : 21/10/2023