

KAUK030005752023



ORDERS ON APPLICATION FILED U/S.
23 OF P.W.D.V.ACT

1. The petitioner has filed the instant application U/S. 23 of the Protection of Women from Domestic Violence Act, 2005 seeking interim maintenance of Rs. 30,000/- per month from the respondent No.1.

2. In the accompanying affidavit it is stated that, due to the acts of domestic violence committed by the respondent on the petitioner she has filed the instant petition. That she does not have any income as she is a house wife and presently she is staying at her parental house. Her parents are also not financially stable as such it is very much necessary to claim interim maintenance from the respondent. That time will

be consumed in the service of notice, appearance of the respondent and disposal of the instant petition, till then she is not in a position to maintain herself as such she prays to allow the instant application by directing the respondent to pay interim maintenance.

3. The petitioner has produced the photocopy of her Aadhar Card and photocopy of some marriage photos to show that she is the legally wedded wife of the respondent.

4. Section 23(2) of the P.W.D.V. Act, 2005 empowers the Magistrate to pass ad interim ex parte orders if the Magistrate is satisfied that an application prima facie discloses that the respondent is committing, or has committed an act of domestic violence or that there is a likelihood that the respondent may commit an act of domestic violence, he

may grant an ex parte order on the basis of the affidavit in such form, as may be prescribed, of the aggrieved person under section 18, section 19, section 20, section 21 or, as the case may be, section 22 against the respondent. As per the aforesaid Section, there is no impediment for granting the interim maintenance to the Petitioner before the appearance of the Respondent. This Court made it very clear that the order passed on this day is subject to the orders which will be passed on I.A. No.1 after appearance of the Respondent by considering his objections. When the Respondent is having sufficient means, then it is his duty to look after the basic requirements of the Petitioner. By considering the present standard of living and also the basic requirements required for the Petitioner, this Court is of the opinion that Rs.4,000/- of interim maintenance would suffice the matter.

Hence this Court proceeds to pass the following:-

ORDER

The application filed by the petitioner U/S. 23 is hereby allowed.

Accordingly, the respondent is hereby directed to pay the interim maintenance of Rs. 4000/- p.m. to the petitioner from the date of this order.

Issue notice to the Respondent through CDPO, Karwar and also call for DIR.

R/by 15.04.2023.

Addl. JMFC Karwar.