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**IN THE COURT OF THE PRINCIPAL CIVIL JUDGE & J.M.F.C.,
HOSAPETE**

Present:

SRI. PRASHANTH NAGALAPUR,
B.B.A., LL.B.,(Hons).
PrI. Civil Judge & JMFC, Hosapete.

Dated this 31st day of January, 2025

CrI.M.C.1203/2024

Petitioners :

1. Smt.Beldar Reshma wife of Mewa Faroush Mohammed Arif,
Aged 31 years,
2. B.Hafsha Jabeen daughter of Mewa Faroush Mohammed
Arif, Aged 10 years, Minor represented by petitioner No.1.
Both are resident of 18th Ward, S.R.Nagar, Hosapete,
Vijayanagara District.

(By Sri.Mohammadi Azaruddin, Advocate)

- Vs -

Respondent :

Mewa Faroush Mohammed Arif, son of Mewa Faroush
Mohammed Rashid, Aged 31 years, Resident of H.No.14/135-A,
Khazipura, Adoni, Kurnool District, Andhra Pradesh.

(By Sri M.S.S.V., Advocate)

ORDER

1. The petitioners have filed this petition under Section 144(2) of BNSS seeking an order of allowance for interim maintenance of Rs. 50,000/- per month against the respondent till disposal of the main petition.

2. The petitioner No. 1 is the wife of the respondent. The petitioner No. 2 is the daughter of the petitioner No. 1 and the respondent. The petitioner No.1 was married to one Vali Basha in year 2004. The petitioner No. 1 and Vali basha have got a son by name Mohammed Irfan. Due to the differences, the petitioner No. 1 and Vali Basha lived separately from 2010. The petitioner No. 1 and respondent started dating and loving each other from 2013. They lived together and their marriage was performed. The petitioners and respondent came to Hosapete from Adoni to settle permanently in June - 2023. In November, the respondent went to Adoni without informing the petitioner. The respondent is not answering the phone calls of the petitioner No. 1. The petitioner No. 1 and 2 are abandoned by the respondent. The respondent owns residential building and commercial complex at Adoni and also earns Rs. 1,00,000/- per month from fruit business. He is capable of paying allowance for maintenance of Rs. 50,000/- per month to the

petitioners. Therefore they have sought an order to allow the application.

3. The respondent has filed detailed objections to the application. He has denied contents of the petition as false and incorrect. He has contended that he was born in 1996 and was a minor boy in the year 2013. He has further contended that the petitioners have produced only the Aadhar Card in support of their claim. He has further contended that he is not married to the petitioner No. 1. He has further contended that marriage between petitioner No. 1 and Vali Basha was dissolved on 27-01-2022 and therefore the petitioner No. 2 is daughter of Vali Basha. He has contended that petitioner No. 1 is an earning woman. He has further contended that the petitioner No. 1 is a skilled ladies tailor. He has further contended that the petitioners No. 1 has filed false petition against him. Therefore, he has sought an order to reject the application.

4. I have heard counsel for petitioner and respondent and perused the material available on record.

5. The following points arise for determination.
- 1) Whether the petitioner is entitled to receive allowance for interim maintenance ?
 - 2) What order ?
6. My answer to the above points are as under :-
- Point No.1 .. In the Negative,
Point No.2 ..As per final order, for the following

REASONS

7. **POINT No.1** :- The petitioners have filed the present application under Section 144(2) of BNSS seeking an order for interim maintenance against the respondent. The petitioners claim that they are the wife and daughter of the respondent. The respondent has disputed the relationship. He has contended that the petitioner No. 1 was married to Vali Basha and the said marriage was dissolved in the year 2022 and therefore, he is not husband of the petitioner No. 1 and father of the petitioner No. 2. The burden is on the petitioner to place prima facie material to get an order in her favour.
8. The petitioner has stated in the application that she was married to Vali Basha in the year 2004 and they have got a son by name Mohammed Irfan in the year 2006.

The petitioner has not stated anywhere in the petition that her marriage with Vali Basha was dissolved any day earlier to 2013. She straightaway claims that she started dating the respondent in the year 2013. she has also claimed that she lived with the respondent from 2013 to 2023. Again, she does not mention on which day her marriage with the respondent was performed. Therefore, the contention taken by the respondent that he is not married to the petitioner No. 1 can not be brushed aside in the facts and circumstances.

9. The petitioners have produced copies of Aadhar Cards along with the application. In the Aadhar Cards, it is not mention that the petitioner No. 1 is wife of the respondent and the petitioner No. 2 is the daughter of the respondent. The said Aadhar Cards disclose that the petitioner No. 1 and 2 are under the care of the respondent.

10. The respondent has produced the copy of Aadhar Card of petitioner No. 2, which discloses the father's name as Vali Basha. The respondent has produced the copy of election identity Card and Passport of the petitioner No. 1 which bear the name of the husband as Vali Basha. The said passport is valued from 29-11-2019 to 28-11-2029. This goes to show that up till 2019 the marriage between the petitioner No. 1 and Vali Basha was not dissolved.

11. Also, the respondent has produced the Khulanama dt 27-01-2022 of petitioner No. 1 and Vali Basha. The said Khulanama discloses that Vali Basha and the petitioner No. 1 have admitted of having two children by name Mohammed Irfan and Jabeen (petitioner No. 2) from their wedlock. The said document also supports the contention taken by the respondent.

12. The petitioners have produced some photographs and screen shots of video calls and contended that the respondent is the husband of the petitioner No. 1. As rightly argued by the counsel for respondent, few photographs and screen shots of video calls can not be considered as evidence of marriage. The said photographs and the Aadhar Cards produced by the petitioners are not sufficient to form an opinion that they are wife and daughter of respondent.

13. Going through the contents of the petition, objections and the documents produced by both the parties, I am of the opinion that there is no prima facie material to allow the application. It requires full fledged trial to determine the relationship between the parties in my opinion. In the facts and circumstances, I am of the opinion that the application shall be rejected. **Hence I answer Point No.1 in the Negative.**

14. **POINT No.2** :- In view of the foregoing reasons,
I proceed to pass the following :-

ORDER

The application filed under Section 144(2) of
BNSs by the petitioners is rejected.

*(Dictated to the Stenographer directly on computer, typed by him on
computer and corrected by me, then pronounced in the open Court
on this day 31st day of January 2025)*

**(PRASHANTH NAGALAPUR)
Pri. Civil Judge & JMFC.,
Hosapete.**