

KAVP500000882025



Presented on : 15-01-2025

Registered on : 17-01-2025

Decided on : 10-11-2025

Duration: 00-Years- 9-Months, 25 days

**IN THE COURT OF HON'BLE ADDL. SENIOR CIVIL
JUDGE AND JMFC, SINDAGI
AT: SINDAGI.**

Present – Shri. Abdul Rahiman .A. Mulla
B.A.L,LL.B.(Hon's)

Dated 10th day of November, 2025

Crl.Misc.No.8/2025

Petitioner/s :

Bhuvaneshwari W/o. Mallikarjun Havin,
Age: 26 Yrs., Occ: --,
R/o. Devara-Hipparagi, Tq : Devar-Hipparagi
Dist: Vijayapur.
Now at Ramanahalli, Tq : Almel
Dist: Vijayapur.

(R/by Sri.P.M.B., Adv.,)

// Versus //

Respondent/s :

1. Mallikarjun S/o. Yamanappa Havin,
Age: 30 Yrs., Occ: --,
R/o. Devara-Hipparagi,
Tq : Devar-Hipparagi
Dist: Vijayapur.

2. Saraswati W/o.Yamanappa Havin,
Age: 55 Yrs., Occ: --,
R/o. Devara-Hipparagi,
Tq : Devar-Hipparagi
Dist: Vijayapur.

(R/by Sri. B.M.P., Adv.,)

I.A.No.I

Applicant/s:

1. Bhuvaneshwari W/o. Mallikarjun Havin

Vs.

Respondent :

Mallikarjun S/o. Yamanappa Havin and another.

1.	Provision under which the application is filed	U/Sec.23 Rule 2 of Protection of Woman From Domestic Voilence Act-2005
2.	Relief sought for	Interim Maintenance
3.	The date on which applications are filed	15-01-2025
4.	Number of the applications	I.A.No.I
5.	The date on which objections are filed by different opponents	19-08-2025
6.	The date on which orders were passed on said application	10-11-2025

: ORDERS ON I.A. NO.1 FILED BY PETITIONER U/S.23 (2) OF PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT,2005 :

1. This is a petition filed by petitioner against respondents seeking maintenance order and monetary relief U/Sec.18 to 22 of Protection of

Women from Domestic Violence Act, 2005 and along with the petition, present application is filed by petitioner claiming grant of interim maintenance of Rs.7,000/-p.m till disposal of the petition.

- 2.** In the affidavit annexed to the application, petitioner averred that, respondent No.1 has ill-treated and assaulted her and thereafter, ousted her from his house. In-spite of conducting panchayat, respondent No.1 did not heed to their request. Hence, having no other option, petitioner is residing in her home town Ramanahalli. Respondent No.1 has not made any arrangements towards her basic needs. That respondent No.1 is in stable financial position and having immovable property situated in Yalawar village bearing R.S.No.704/*1 and amongst these grounds prayed to allow the application.
- 3.** After receipt of notice, respondents appeared through their counsel, wherein respondent No.2

filed objections to the main petition, which was adopted as objections to this application, wherein she has denied the aspect of cruelty and demand of dowry. Respondent No.2 contended that, she has landed property bearing R.S.No.740/1, which is her absolute property and neither petitioner nor respondent No.1 have got any right over the same. The petitioner used to pick quarrel without any reasons and also used to demand separate house from respondent No.1. The petitioner has left the house without any reason and filed this petition on concocted grounds and amongst these grounds prayed dismiss the application.

4. Heard. Perused the records.

5. The points that arise for my consideration is as under:

- 1 Whether petitioner is entitled for the relief as claimed in the application?
2. What order?

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

POINT NO.1: Partly in the affirmative.

POINT NO.2: As per final order;
for the following;

: R E A S O N S :

7. **POINT NO.1:** It is the specific case of petitioner that, respondent No.1 has deserted her by ousting from his house and till today, he has not made any arrangements towards her maintenance.
8. In support of her contention, petitioner produced in all four documents i.e., resident certificate issued by PDO, Ramanalli Gram Panchayat, RTC extracts of land bearing R.S.No.704/1, two marriage photographs and photocopy of Aadar card of petitioner.
9. On the contrary, respondent No.1 has not denied his relationship with petitioner and in order to show that, he has made arrangements towards

maintenance of petitioner, no documents are forthcoming from the side of respondent No.1 at this stage of the case.

- 10.** Respondent No.1 in objections has not denied his marriage with petitioner and he has not disputed status of wife of petitioner. Further, whether petitioner has left the house voluntarily or she was ousted from the house cannot be decided at this stage of the case, as it requires full fledged evidence and trial. There is no averment in the objection statement, in order to show what arrangements respondent has made towards interim maintenance of petitioner. The petitioner at this stage of the case has not produced any documents in order to show that, respondent is earning Rs.10,00,000/- p.a. Looking into facts and circumstances of the case, I am of the opinion that, if at all Rs.2,000/- p.m is granted as interim maintenance to petitioner, no prejudice will be caused to both the sides. Hence, for the

above said reasons, I answer **Point No.1 Partly in the Affirmative.**

11. POINT NO.2 : For the reasons and findings given to point No.1, I proceed to pass the following;

: O R D E R :

I.A.No.1 filed by petitioner U/Sec.23 (2) of Domestic Violence Act, 2005 is hereby allowed in part.

Respondent is hereby directed to pay Rs.2,000/- p.m to petitioner towards her interim maintenance from the date of application till final disposal of this petition.

Parties to bear their own costs.

(Directly dictated to the stenographer on computer, corrected by me and then pronounced in the open court on this 10th day of November-2025).

**(Abdul Rahiman .A. Mulla)
Addl. Sr. Civil Judge & JMFC,
Sindagi.**