

CNR. No. MHAH120015162024 	<u>P.W.D.V.A. No.93/2024</u> <u>Kartiki Balu Supekar</u> <u>vs.</u> <u>Balu Vilas Supekar</u>
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ORDER BELOW EXH. 5 IN PWDVA. 93-2024

1. The present application is filed by the applicant under section 23 for interim monetary relief under 20 under the provisions of the Protection of Women under Domestic Violence Act (Hereinafter referred to as the Act for the sake of brevity.)

The case of the applicant is as under:

2. The marriage of the applicant was solemnized with the opponent No. 1 on 05.05.2021 at Siddharth Lawns Shahjapur, Tal. Kopergaon, Dist. Ahmednagar. Out of the Wedlock, no issue is born. The opponent No. 2 and 3 are the father in law and mother in law of the applicant respectively. The opponent no. 4 and 6 are brothers in law and opponent no. 5 & 6 are sisters in law of applicant respectively. After the marriage, the applicant went to reside with the opponents.

3. It is further contended that the opponents used to physically and mentally harass the applicant. They illegally demanded dowry and divorce from the applicant. They used to beat and hurled abuses to the applicant. It is further contended that on 17.08.2024, the opponents demanded dowry of Rs. 10 lakhs from the applicant to repay the loan of the flat. They beat, hurled abuses and drove her out of the house. It is further contended that the applicant tried to convince the opponents through her relatives and also on

her own initiative. However they illegally demanded money and refuse to bring her back for cohabitation.

4. It is further contended that the opponent No.1 has deserted the applicant and has not made any arrangement for her survival. She is living on mercy of her parents. The applicant is having no source of income. On the other hand, the opponent No.1 is working as an accountant in CA office at Nalstop area, Pune and earns Rs. 35,000/- per month. The financial condition of opponent no.1 is good. However he has deserted her and failed to make arrangement for her basic necessities. Hence the present application.

5. The learned advocate for the applicant argued that the opponents beat, hurled abuses to the applicant. They demanded Rs. 10,00,000/- from the applicant for repayment of loan of the flat. On non- fulfillment, they harassed her. He further submitted that the opponents subjected the applicant to domestic violence and drove her out of the house. He further stated that the applicant is having no source of income. She is living on mercy of her parents. He further argued that it was the duty of the opponent No.1 to take care of the applicants. However, he failed to do so. Hence, he prayed to grant reliefs as prayed. In support of the contentions, the applicant has relied upon Marriage invitation card, Photocopy of Aadhar card and NC dated 19.12.2022.

6. The notice was issued against opponent no. 1 to 3 only. The opponent No. 1 to 3 filed say at Exh. 15 and thereby denied the contentions of the applicant in toto. It is contended that the applicant went to reside with the opponents in a rented flat at Mauje Shivane,

Dist- Pune. She cohabited very well for one year. Thereafter she started to tell the opponent no.1 to reside separately from other opponents. She used to initiated dispute on frivolous matters. The opponent no.1 used to convinced her and also used to take of her. It is further contended that she never used to do any domestic work. On 01.06.2024 at 11:00 a.m. one person named Ashok Rupchand Kale came along with the opponent no.1 at home. The opponent no.1 told her to bring water. She arrogantly refused to serve water and told him that she is not maid in the house and the opponent no.1 is also physically abled person so he should get up and serve water to his guest. Thereafter she initiated dispute and left the matrimonial home without any reason. The opponent no.1 honestly intended to cohabit with her. Hence he used to bring her back for cohabitation. She used to sleep whole day in the matrimonial house and never used to cook food for opponent no.1 on time. She used to initiated dispute and call her relatives frequently. Her mother used to interfere in the matrimonial life of applicant and opponent no.1.

7. It is further contended that on 06.08.2024 at around 06:30 a.m., the opponent no.1 refused to reside with her separately. So the applicant threatened to commit suicide if the opponent no.1 does not give her divorce. The opponent no.1 tried to convince her that he is having meager salary and it is not possible for him to stay separately from the other opponents. Thereafter the applicant told him to go along with her at her maternal house wherein she will do tailoring work and earn income. The opponent no.1 refused the same. At around 08:00 a.m., he took the applicant at Mediline Laboratory at Warje Malwadi, Pune for thyroid clinical examination. After examination the applicant consumed 10 to 15 tablets of thyroid

medicine without intimating the opponent no.1. When they started to come home from the hospital by motorcycle, the applicant fainted. The opponent no.1 immediately admit her in Mai Mangeshkar Hospital Pune. She was treated there. Thereafter she was brought home and then she went to the house of Mr. Gokul Waykar, her uncle for rest. It is further contended that on 16.08.2024, the opponent no.1 brought her back for cohabitation. On 17.08.2024 Rohit Waykar, the brother of the applicant came to meet her and she left the matrimonial house and went along with him to her maternal house. Thereafter efforts were made by the opponent to convince the applicant for cohabitation. However she has deserted the opponent no.1 without sufficient reason.

8. It is further contended that the applicant filed complaint no. 444/2025 in Bharosa Cell, Ahilyanagar against the opponents on 11.03.2025. Efforts were made to pacify the dispute. The opponent no.1 was ready to cohabit with the applicant. However she refused to cohabit. It is further contended that she has filed the present application without any sufficient cause and only to harass the opponents. It is further contended that the opponents have never subjected the applicant to any sort of domestic violence. The applicant conducts tailoring business and earns Rs. 30,000/- to 35,000/- per month. Hence she is not entitled for any interim monetary relief from the opponents. Hence, they prayed to reject the application.

9. The learned advocate for the opponents contended that there is no instance of domestic violence to the applicant. The applicant has falsely filed complaints to the Bharosa Cell Ahmednagar

and Uttamnagar Police station, Pune. Therefore, the applicant is not entitled for any reliefs as prayed. Lastly, he prayed to reject the application.

10. The opponents have not filed any documents in support of their contentions. The applicant and opponent no.1 have filed their assets and liabilities affidavit at Exh. 22 & 21 respectively.

11. The applicant has reiterated the contentions of the main petition in affidavit in support. She has specifically stated that the opponents used beat, hurled abuses and insult her. They used to demand dowry of Rs. 10,00,000/- and on non- fulfillment, they drove the applicant out of the house. The opponents have merely denied the contentions of the applicant. On perusal of NC dated 19.12.2022 it is observed that the applicant has alleged that the opponent no.1 had extra marital affair and he married the applicant against his wish. It also alleged that he used to initiate dispute with her by saying that he does not like her and he demanded divorce from the applicant. It is further alleged that he brought one lady named Kranti at his home in absence of the applicant and when the applicant came to know, she confronted him about it. It is alleged that he hurled abuses and assaulted her. Considering the complaints filed in Bharosa cell, Ahmednagar and NC filed in Uttamnagar Police station, Pune dated 19/12/2022, prima-facie it appears that the opponents subjected the applicant to domestic violence.

12. The applicant has further prayed to grant the interim monetary relief of Rs. 10,000/- per month to applicant. The applicant has stated that she has no source of income. As the opponents have

subjected the applicant to domestic violence, the applicant is entitled to the monetary relief against the opponent No.1.

13. So far as the quantum of the monetary relief is concerned, the basic necessities of the applicant, earning potential of the opponent No.1 and standard of living of both the parties needs to be considered. The applicant in her assets and liabilities affidavit at Exh. 22 has stated that she is having no source of income. On the other hand, the opponent No. 1 is earning Rs.35,000/- per month. However, she has not filed any documentary evidence in support of her contentions. The opponent No.1 in his assets and liabilities affidavit has stated that he works as clerk and earns Rs. 12,000/- per month. His parents are dependent upon him. It is further stated that the applicant is S.Y. B.Com. passed and conducts tailoring, mehendi and private tuition classes and thereby derives income of Rs. 15,000/-. However, he has not filed any document to show the income source of the applicant. Thus it is observed that at present the applicant is having no source of income. Considering the submissions and the earning potential of the opponent No.1, interim monetary relief of Rs. 5,000/- per month if granted to the applicant will suffice the purpose. Thus, the application deserves to be partly allowed. In the result, I pass the following order.

ORDER

1. The application Exh. 5 is partly allowed.
2. The opponent No. 1 shall pay Rs. 5,000/- per month to the applicant from the date of the application towards interim monetary relief till final decision of the case.

3. The opponents shall pay cost of Rs. 5,000/- to the applicant within one month from the date of this order.
4. The copy of this order be provided to both the parties, protection officer and concern police station.

Date: 08/01/2026

(Janhavi S Kelkar)
Addl. CJM, Kopargaon,
Dist.Ahmednagar