



**ORDER BELOW EXHIBIT 5 IN CRI M A No.200/2021**

The present application is moved under section 23 praying for interim maintenance of the protection of women from Domestic violence Act ( hereinafter for short 'the PWDV Act'.)

2. It is the contention of the applicant that respondent no. 1 is her husband. After marriage respondent no. 1 and the other respondents harassed her and treated her with cruelty. Respondent no 1 was alcoholic and he used to beat the applicant and demand money from her. Moreover the other respondents used to instigate respondent no. 1. Further, respondent no. 1 sold the goats purchased out of the money of applicant. Further he quarreled with the applicant when she asked him about the money received by selling the goats. At that time respondent no. 1 assaulted her and drove her out of the house. Therefore, she is staying at her maternal home. She is unable to maintain her. On the contrary respondent no. 1 does labour work and earns Rs. 500 per day. Hence the present application.

3. The respondents have resisted the application by filing their say at Exhibit. 07. They have denied all the allegations of

domestic violence against them. It is their contention that they have treated the applicant with utmost love and affection. Further, it is their contention that the goats were purchased from the money earned by the applicant and respondent no. 1 jointly. Further, applicant had opposed the decision of solemnizing marriage of his daughter Shilpa with the son of sister of non applicant no. 1. Therefore, there were disputes between them on the said count. However she is residing at her maternal home without any reason. Respondent no. 1 has made several attempts to resume cohabitation with the applicant. Further he is not having any work and source of livelihood. On the Contrary the applicant is earning Rs. 300/- per day from labour work. It is lastly contended by him that he has not subjected applicant to domestic violence. Hence, it is prayed that the application be rejected.

4. Heard learned advocate for the applicant. None appeared for the respondents even after repeated opportunities.

5. The relationship between applicant and the non applicant is not disputed. She has alleged that respondent no. 1 used to beat her under the influence of liquor and demand money from her. The allegations made by the applicant in her application squarely fall in the definition of Domestic Violence is given in the

PWDV Act. It is pertinent to note that almost 28 years have lapsed since the marriage of the applicant and respondent no. 1. It is evident that the marital ties between them are disputed due to some reason. It is further pertinent to note that the applicant has made several complaints against the respondents prior to the filing of the present petition. As such, it cannot be said that she has filed present petition and that she is staying at her maternal home without any reason. In my view, the allegations and counter allegations made by the parties will be decided at the time of trial but at this stage, there appears prima facie substance in the allegations of applicant.

6. Under section 23 of PWDV Act, if the applicant succeeds in proving that she was subjected to Domestic Violence, even prima facie, she is entitled to maintenance. It is pertinent to note that no documentary evidence is produced by the applicant to show the income of respondent no. 1. Further, the respondent no. 1 has also failed to show that applicant no. 1 is earning from labour work. But it appears from the contentions of both the sides that the applicant and respondent no. 1 are doing labour work. Even otherwise it is the responsibility of non applicant no. 1 to maintain his wife. In such situation he cannot deny maintenance of applicant. Considering the economic condition of both the

parties and their requirements at this stage I am of the view that an amount of Rs. 1500/- per month would be sufficient amount of maintenance.

7. In view of the aforesaid discussion, I am of the view that the present application is liable to be allowed. Hence I proceed to pass the following order.

**ORDER.**

	The application is allowed.	
	Respondent no. 1 shall pay Rs. 1500/- per month as interim maintenance to the applicant till the decision of the present petition.	
	If the applicant delays the recording of evidence, the interim maintenance granted to her will be vacated.	
	Respondent No. 1 shall pay Rs. 1000/- as costs of the present application to the applicant.	

Date : 28.06.2023.  
Place : Akot.

Bhanupratap B. Chouhan.  
Judicial Magistrate First  
Class Court No.1 Akot.