



PWDVA Appl. No. 07/2024
Manisha Amte+1 Vs. Kunal Amte+3
CNR No. MHAM130001502024

ORDER BELOW EXHIBIT NO. 10
(Date – 08/01/2026)

This is an application filed by the applicants under Section 23 of the Protection of Women from Domestic Violence Act, 2005, (hereinafter it shall be referred as the Said Act) for interim maintenance of Rs. 20,000/- per month each to applicant no. 1 & 2 and other interim reliefs under Sections 18 and 19.

02. Perused the application. Non-applicants have failed to file written statement and also failed to file their say to the present application. Hence, this application proceed without say of non-applicants vide order dated 23.09.2025. Heard learned Advocate for the applicants and he relied upon the documents filed on the record. Perused the affidavits of assets & liabilities filed by the applicant at Exh. 04.

03. The applicant no. 1 has stated that till her main application is decided on merits, interim maintenance order may kindly be granted in favor of the applicants, as she is unable to maintain herself and her minor daughter. It is also submitted by applicant no. 1 that, due to harassment given & domestic violence committed by the non-applicants, she was

constrained to live at her parental house along with her minor daughter. Non-applicants were raising doubt on chastity of applicant no. 1 and also assaulted her. Non-applicant no. 1 always used to quarrel with the applicant no. 1 on trifling grounds. Thus, they all have treated her with cruelty. Non-applicant no. 1 runs Ganraj band party and he owns breaker machine. Also, he is doing work of photography and balloon decoration. Moreover, he is having pick-up-intra vehicle. From all these sources, he is getting income Rs. 4,00,000/- per year. No one is dependent on non-applicant no. 1 except the applicant no. 1 & 2. Hence she prayed to allow the interim application.

04. At the outset, it is pertinent to note here that while deciding interim application under Section 23 of the Said Act, it is enough to determine whether the application prima facie discloses domestic violence. Further it is also pertinent to note here that mediation report at Exh. 9 is unsuccessful. So present application taken up for hearing. On perusal of the main petition which is on affidavit and the documents filed on record, prima facie it appears that several incidents of alleged domestic violence are stated in the application. The application is prima facie disclosing verbal, physical, emotional abuse as contemplated in the Said Act. It is pertinent to note here that, as the non-applicants have failed to file say to the present application as well as to the main application, the domestic relation, cohabitation and separation of the contesting parties

i.e. applicant no. 1 and non-applicant no. 1 remains unchallenged. Moreover no interim relief is claimed against other non applicants in present application.

05. Thus, it is prima facie justifiable to see whether the applicants are entitled to the interim maintenance order as the main petition will take some time for final adjudication. Further, prima facie it appears that since separation, non-applicant no. 1 has not made any arrangement for maintenance of the applicants, even though it being his moral duty towards them.

06. Section 20 of the Said Act provides for a monetary relief to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of the domestic violence. According to the applicants, non-applicant no.1 runs Ganraj band party and he owns breaker machine. Also, he is doing work of photography and balloon decoration. Moreover, he is having pick-up-intra vehicle. From all these sources, he is getting income Rs. 4,00,000/- per year. Further nobody is dependent upon him except the applicants.

07. Applicant no. 1 mentioned in her affidavit that she is not having any source of income. So it can be gathered that applicant no. 1 & her minor daughter are dependent upon non-applicant no. 1. Here it is necessary to mention at the cost of repetition that since the separation non-applicant no. 1 has not looked after the maintenance of applicants. Further prima facie

the commission of domestic violence is already inferred. Therefore as applicants are prima facie entitled for interim monetary relief, then it is necessary to decide the quantum of maintenance.

08. Thus, on considering the marital relationship between the applicant no. 1 and non-applicant no. 1, he is morally and legally duty bound to maintain his wife as well as the minor daughter who is born out of said wedlock. To decide the quantum of maintenance, the applicants have filed on record photographs which prima facie shows that the non-applicant no. 1 has pick-up-intra vehicle which he gives on rent. Moreover, photographs also prima facie shows that he runs Ganraj band party and also possess breaker machine. As the non-applicants have not filed any say, at this stage there is no reason to doubt the photographs filed on record.

09. In view of the above discussion and upon consideration of the present standard of living, basic needs and medical as well as other expenses incurred by the applicant no. 1 for herself & for daughter & the prima facie evidence brought on record, it would be justifiable to grant Rs. 3,500/- per month to applicant no.1 & Rs. 1,000/- per month to applicant no. 2 as an interim maintenance from the date of present application till the final disposal of the case. As far as the relief regarding protection order is concerned, applicants have not stated that the non-applicants are committing domestic violence after

separation. Therefore, I am not inclined to grant interim protection order in this application. Also it would not be appropriate to grant payment towards rent as there is no contention in the application that the applicants are residing separately. Instead of that it is specifically stated that applicant no. 1 is residing at her parental house. Therefore in view, of the foregoing discussion, the following order is passed:-

ORDER

- 1) The application is partly allowed.
- 2) Non-applicant no. 1 is directed to pay Rs. 3,500/- per month to applicant no. 1 & Rs. 1,000/- per month to applicant no. 2 towards interim maintenance from the date of present application i.e. 14.08.2025 till the final disposal of the main application.
- 3) Copy of this order be given free of costs to the applicants and the non-applicants.

Sd./-

Date :- 08/01/2026

(Lushnali L. Tamgadge)
J.M.F.C., Court No. 02,
Dhamangaon Railway