

MHAU050011112025



Cri. M. A. No. 93/2025

Sumaiya Mehraj Baig &amp; Ors.

Vs

Mehraj Asalam Baig &amp; Ors.

**ORDER BELOW INTERIM APPLICATION EXH. 15**  
**(Passed on 01.04.2026)**

The applicant has filed main application under Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the D.V. Act), claiming various reliefs. The applicant has also through this interim application, prayed for grant of interim reliefs under Section 23 of the Act.

2. The respondent No. 1 is the husband of applicant No.1 and other respondents are his relatives. Marriage of applicant No.1 and respondent No. 1 was solemnized on 14.06.2023 as per Muslim rites and rituals at Vaijapur. They have one daughter by name Anayja i.e. applicant No.2, age – 2.5 years from the said wed-lock.

3. According to the applicant, she meted with physical and mental harassment from respondents. Hence, she has filed the present case for seeking various reliefs. The decision of the case will take a long time, hence, she has moved the present application at interim stage.

4. The respondents have filed their say at **Exh. 16** to the

present application. They denied the contents of the present application. Hence, they prayed for rejection of the present application.

5. On perusal of the application (Exh.15) and reply (Exh.16) the following points arise for my consideration. Heard both the advocate at length. The following findings are arrived for the reasons given here under.

<b>Sr. No.</b>	<b>Points</b>	<b>Findings</b>
1.	Whether the respondents have caused the domestic violence to the applicant ?	<b>Affirmative</b>
2.	Whether the applicants are entitled for the interim reliefs ?	<b>Partly Affirmative</b>
3.	What order ?	<b>As per final order.</b>

### REASONS

#### AS TO POINT NO. 1:-

6. The marriage between the applicant No.1 and respondent No.1 is not disputed. According to the applicant No.1, after her marriage with respondent No.1, her life became miserable and she meted with harassment at the hands of respondents.

7. It is alleged by the applicant No.1 in her application that, her parents spend five lakhs in her marriage and gave gold ornaments and household articles. After marriage applicant went

to Yeola for cohabiting with respondents. Respondents treated the applicant well for initial some days. Thereafter, respondents demanded Rs. Five lakhs for business from applicant. They threatened that, if applicant doesn't bring the amount they would remove her from the house and on that pretext used to assault her. Respondent No.1 used to physically assault applicant and remove her from house even at night. Applicant was kept starving by respondents. Respondent Nos.2 and 3 would also fight with applicant for no reason. Applicant kept enduring the behaviour of respondents with the hope that, after she gives birth to a child the behaviour of respondents would changed towards her. However, even after the birth of her daughter there was no change in the behaviour of respondents. On 07.11.2024 respondents was speaking to unknown lady on phone. When applicant inquired from respondents he assaulted her and removed her from the house. At that time, applicant was pregnant. The entire expense of her pregnancy and birth of daughter Anayja has been born by parents of applicants. Respondents not even inquired regarding the daughter of applicant. Hence, according to applicant she was subjected to domestic violence.

8. Respondents filed their say at **(Exh.16)** and admitted the relationship between the parties and denied all the adverse allegations made against them by the applicant. Respondents stated that applicant was given good treatment by them and was never subjected to any sort of harassment.

9. As per respondents in fact they gave gold and silver ornaments to applicant in marriage. Applicant cohabited well just of eight days. Thereafter, applicant without the permission of respondents used to frequently visits her parents house. When respondents used to contact the applicant on phone she avoided the same. After going to her parents house applicant avoided to come back to respondents. Even after, coming back to the respondents house she used to tell respondents that, she does not like to stay here and wants to go to her parents house.

10. Even while staying with respondents applicant used to sleep entire day and not listen to anyone. Applicant used to frequently fall ill and on one or the other pretext visits her parents. Respondents took care of applicant during her pregnancy and have borne all the expense. Still applicant went to her parents house for delivery. On various request of respondents applicant denied to come back. Applicant demanded the marriage expense and divorce from respondents and offered to give back the daughter to respondents. On 13.10.2024 applicant along with her mother came to Yeola on the pretext of making Adhar card of daughter. However, while going back she took away all her ornaments and documents with her. Respondent no.1 through phone call, messages, relatives and even personally tried to convince applicant No.1 to cohabit with him. But all his efforts went in vain. Thereafter respondent gave legal notice to applicant for cohabitation. Applicant cohabited with respondent for some days and again thereafter left the

company respondent. Hence, according to respondents applicant was not subjected to domestic violence and prayed for rejection of present application.

11. The matter is at interim stage. *Prima facie* material needs to be seen. Allegations of applicant are supported by an affidavit. The act of respondent No. 1 to assault applicant and removed her from the house amounts to her physical and mental abuse. The act of respondents to keep the applicant starving and pick up fight with her also amounts to her physical and emotional abuse. Even after living separately nothing is brought on record by the respondent No. 1, to show that he has borne the expense of the applicant, this act amounts to economic abuse of applicant. Hence, I come to the conclusion that applicant was subjected to domestic violence. Hence, I answer point No.1 in Affirmative.

**AS TO POINT NO. 2 :-**

12. Affidavits of assets and liability as per direction of Hon'ble Supreme Court in the case of *Rajnish Vs. Neha, Criminal Appeal No. 730 of 2020, 2020 SCC OnLine SC 903* has been filed by the applicant and respondent No. 1 at Exh. 5 and 13 respectively.

13. According to affidavit of the applicant, nothing is stated regarding her educational qualification. She has monthly expense of Rs. 30,000/- and she is currently residing at her

parents house. She has responsibility of her daughter Anayja. She has no source of income. As per the application and income affidavit of applicant, respondent No.1 is trader of fruits and vegetable and has income of around Rs. 1 to 1.5 lakh per month. Hence, applicant has prayed for interim maintenance of Rs.30,000/- for herself and her daughter Anayja.

14. As per income affidavit of respondent, he has studied upto 9<sup>th</sup> standard and does labour work. He has responsibility of his old parents and has monthly expense of Rs. 2000/-. As per say of respondents applicant is educated and does tailoring work. She earn Rs.1000/- per day. According to respondent, his economic condition is weak. Applicant is not in need of interim maintenance amount. Hence, they prayed for rejection of interim relief of maintenance.

15. It is pertinent to note that in her income affidavit at **Exh. 5** applicant has failed to mention about her educational qualification. As per respondents, applicant is educated but what is her qualification is not stated. As per respondents applicant does tailoring work and earns Rs. 1000/- per day. No documentary evidence is filed to support the said contention.

16. As per Applicant respondent is trader of fruits and vegetables and earns Rs. 1 to 1.5 Lakh per month. However, no documentary evidence is filed on record to substantiate the said contention regarding regarding business of respondent No.1. At

this stage there is word against word of the both the parties regarding the income of other side. Be that as it may, respondent No.1 is able bodied person. Nothing is brought on record by him that he suffering from any mental or physical illness so as to rendered him totally unemployable. In fact as per his affidavit he does labour work. Admittedly he has old parents to look after. At the same time he being the husband of applicant No.1 and father of applicant No.2 as responsibility even towards them. Therefore considering the aforesaid facts, interim maintenance amount of Rs.2,500/- per month to applicant No.1 and Rs. 2,500/- per month to applicant No.2 Anayja would be sufficient. Therefore, as per the aforementioned facts and discussion, I answer point No. 2 as Partly Affirmative.

**AS TO POINT NO. 3:-**

17. In the light of findings arrived to the point Nos. 1 & 2, the following order is passed in sequel.

**ORDER**

- 1] The application is partly allowed.
- 2] The respondent No.1 shall pay Rs.2,500/- (Rupees Two Thousand Five Hundred only) per month for applicant no.1 and Rs.2,500/- (Rupees Two Thousand Five Hundred only) per month for applicant no.2 from the date of application.

- 3] The respondent No.1 is directed that said total amount of Rs.5,000/- (Rupees Five Thousand only) shall be handed over to the applicant in the Court or deposit in the Court.
- 4] The respondents shall not cause any type of domestic violence to the applicant.

**Date: 01.04.2026.**

**(Smt. S. K. Khan)**  
Judicial Magistrate First Class,  
(Court No.2), Vaijapur.