


MHAU070052352025 	P.W.D.V.A.No.39/2025 Sneha Amit Gandhi Vs Amit Pravin Gandhi
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ORDER ON INTERIM APPLICATION

This is an application under ***section 23 of The Protection of Women From Domestic Violence Act, 2005*** (herein after referred to as the ***D.V.Act***) for the grant of some interim reliefs.

2. Perused counter-pleadings and documents filed on record. Heard learned advocates for both parties.

3. While considering an application under ***section 23 of D.V.Act***, which is certainly a prima-facie phase of interlocutory adjudication, the Court is not supposed to penetrate deep into the merits of the case or the evidence which may be brought on record at trial. Even at this stage, it is not expected of an aggrieved person to bring the proof of pleaded allegations. Same thing is applicable to the respondents who are also not supposed to prove or disprove any allegation by them or against them.

4. Both parties have filed affidavits to make their pleadings look believable. Therefore, there is Oath Standing Against Oath. Under such situation, it will not be appropriate to accept one oath at the cost of discarding another.

5. Allegations levelled against respondents are prima facie appearing to satisfy the ingredients of domestic violence as defined under ***section 03 of D.V.Act***. Whether the allegations levelled by petitioner are true or not, is a matter of adjudication on merit of the case. Now, only aspect of determination is whether it is just and necessary to pass interim orders as prayed by petitioner.

6. Marriage between the spouses in question is admitted, paternity of child is admitted, separate residence of petitioner from respondents is admitted and it is nowhere the case of respondents that during separate residence of petitioner, any monetary aid is provided to her. Being husband of petitioner No.01 and father of petitioner No.02, it is not only moral but also legal obligation of respondent No.01 to ensure their living.

6. It is the contention of the respondent that applicant is highly educated and she takes the private tuition and do work from home she earns Rs. 45 to 50 thousand for a month. She is not having right to claim maintenance. However, there is absolutely no pinch of material on record to believe this contention. Therefore, petitioner No.01 prima facie appears to be not having means of income. Petitioners have pleaded that respondent No.01 is having income of Rs.4 to 5 lakhs month and having yearly income of 50 to 60 lakhs through the Automobile spare part shop and she also filed photographs of above mentioned shop, the two 7/12 extracts i.e. one agricultural land is situated in Gut. No- 430/2A Gut No- 430/2B but both are standing on the name grand father of respondent. However, even they have not placed any document on record to believe in what they say. Even if for the sake of moment it is accepted that, respondent No.01 is doing daily wage work, he would be earning Rs.400/- to Rs.500/- per day. That would be about Rs.12000/- to Rs.15000/- per month.

7. During pendency of this case, petitioners would require maintenance to enable them to lead their lives with dignity and to contest this petition. Therefore, petitioner must be awarded with some sort of interim monetary relief. Balancing the basic needs such as food, clothing, basic medication, basic entertainment etc, of petitioners, coupled with tentative income and responsibility of respondent No.01, I think it fit to grant the interim maintenance at the rate of Rs.1500/- per month to petitioner No.1 and Rs.1000 to the petitioner No.2 from date of this application.

8. At present, petitioners are residing at Ranjangaon Shenpunji Tq. Gangpaur but she not mentioned that she is residing in any rental

premises. Also she only seeking maintenance amount. It is nowhere their contention that, there is no sufficient space for them to reside or that, it is not possible for them to reside in said house. Therefore, as they are having adequate protective shelter of parents of petitioner No.01 over their head, I do not find it so immediate to pass residence order in the form of order of payment of rent of alternate accommodation to the petitioners.

9. From the discussion supra, I conclude that, petitioner No.1 is entitled to interim maintenance at the rate of Rs.1500/- per month and petitioner No.2 is entitled to interim maintenance at the rate of Rs.1000/- per month each from the date of this interim application. At this stage, they are not entitled to any other interim relief as prayed. Resultantly, I am inclined to partly allow this application. Copy of this order shall be supplied to both the parties free of cost after application for copy made in due course. In the result, I pass the following order ;

ORDER

i. Application is partly allowed.

ii Respondent No.01 shall pay interim monetary relief in the form of interim maintenance at the rate of **Rs.1500/-** to Petitioner No.1 and Rs. **1000/-** to Petitioner No.2 i.e. totally 2500 to the both petitioners from the date of filing of this application i.e from **01.07.2025**, till the decision of this case.

iii. Both parties to expedite the trial of this case and ensure its disposal at the earliest and decided the case upon the merits.

Dt.27.03.2026

(M.A. Shaikh)

2nd Judicial Magistrate First Class,

Court No.02, Gangapur.