

MHAU080017732025



PWDVA Appln./28/2025

Vaishali Ganesh Aadhave Vs. Ganesh Sahebarao Aadhave

E-ORDER BELOW EXH. 27

This is an application for setting aside No-cross order filed by N.A.

02. It is submitted that, applicant has filed present application for seeking relief of maintenance. After service of notice, N.A. caused his appearance through his Counsel and filed his written statement. An application for interim maintenance is allowed in favour of the applicant.

03. On dated 17/10/2025 applicant filed her affidavit in lieu of chief-examination. As such, the matter was put up for the cross-examination of the applicant on dated 15/11/2025. On the very day, applicant filed affidavit of asset and liability and 7/12 extract vide Exh. 24. But, copies of those documents are not provided to N.A. Hence, N.A. could not cross-examine applicant. It requires to direct applicant to provide copy of the affidavit as to asset and liability and 7/12 extract vide Exh. 24. It needs to set aside no-cross examination order. Hence, it is prayed for granting the very application.

04. The say of applicant was called upon. Accordingly, Ld.

Adv. G. V. Dhone filed his say and opposed the application contending that, the application is false one. The Court has granted Rs. 20,000/- per month as interim maintenance in aggregate to all applicants. But, N.A. has not deposited the very amount. Only for non payment of the interim maintenance amount, N.A. is trying to prolong the very matter and as a part of the same, he has not taken cross-examination of the applicant. The conduct of the non-applicant caused starvation of the applicants. The reason cited in the application is not reasonable. Hence, it is prayed for rejecting the very application.

05. Perused the application, say thereon and record in hand. It appears that, it is the application under the provisions of the Protection of Women from the Domestic Violence Act, 2005 requiring speedy disposal. Here, it is the matter of record that, this Court has granted interim maintenance application in favour of the applicants. But, N.A. is not complying the same. Reason cited for not cross examining applicant is that, N.A. has not got copy of affidavit as to asset and liability and 7/12 extract filed by applicant vide Exh. 24. The case at hand is online one, wherein N.A. is having direct access to any document. Hence, it can not be said that, N.A. was not provided with the documents filed by the applicant. The way, reason cited in the very application is substance-less.

06. It is the matrimonial dispute between husband and wife. As such, in order to decide the matter on merit, it requires to give an opportunity to the N.A. for cross examining applicant. But, at the same time the conduct of N.A. can not be lost sight. Hence, it requires to allow this application subject to cost of Rs. 1,000/-, payable to

applicant. Accordingly, I pass following order :-

ORDER

- i. The application vide Exh. 27 is hereby allowed.
- ii. No-cross order is hereby set aside subject to costs of Rs. 1,000/- payable to applicants by non-applicant.

Date – 20/01/2026

(K. T. Adhayke)
Judicial Magistrate F.C., Sillod.