

MHBH070002692026



Cri. M.A. No. 20/2026
Satyabhama @ Sushma
-Vs-. Gajanan.

ORDER BELOW EXH. 12

(Passed on 18-06-2026)

1. The applicant has filed an application under section 144 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking maintenance from the non-applicant. In the original application, the applicant has made this application for seeking interim maintenance from non-applicant. The non-applicant has contested the application by filing his reply below **Exh.13**.

2. Perused the application and documents filed on record. Perused the reply of non-applicant.

3. Ld. Advocate S. M. Bhure for the applicant has submitted that, since marriage the non-applicant has never fulfilled his duty towards the applicant as a good and caring husband. He has continuously neglected her and failed to provide her basic needs. Without any fault or mistake on the part of applicant and without any reasonable excuse and justification he has drove her from his house and since then she is residing at her parents house. The non-applicant willfully neglected to maintain the applicant and is shrinking

his responsibility of being a husband.

4. He has further submitted that, applicant is a legally wedded wife of non-applicant and has been rendered destitute due to the non-applicant's illegal acts and she is entitled to claim relief of maintenance from him. It is also submitted that she has several times demanded maintenance amount from the non-applicant but each time he paid no heed to the request of her to support her. He has further submitted that applicant's total expenditure for her livelihood is approximately Rs. 20,000/- per month. Therefore he has prayed to allow the application by granting interim maintenance in her favour.

5. Ld. Advocate R. B. Bawane for the non-applicant has submitted that, the marriage between applicant and the non-applicant was solemnized on 07/07/2022 at Lakshmirama Sabhagruha Pauni. Furthermore, they have no children from this marriage. After marriage, the non-applicant learned that the applicant had been suffering from an abdominal ailment. Consequently, he took her to Chandak Hospital in Nagpur, where doctors advised that surgery was the only option. He proceeded with the surgery, incurring an expense of approximately 03 lakh rupees, and brought her home after her discharge.

6. He has further stated that, the applicant was not performing any household chores properly and whenever the non-applicant spoke to her about it, she would abuse him and threaten to implicate him in a dowry harassment case. The applicant used to keep talking to other people on the phone; when the non-applicant asked her whom she was speaking with, she would abuse him and threaten to run him over with a vehicle and kill him. Furthermore, one day while the non-applicant was asleep, the applicant attempted to kill him using a pillow, and the non-applicant had been afraid of her ever since.

7. On July 30, 2022, the applicant quarreled with the non-applicant, alleging that he had illicit relations with other women; she demanded an immediate divorce and also asked for money. She then left the house in a fit of anger, taking with her gold and other Stridhan.

8. He has further submitted that, the applicant is the Director and Secretary of Sushma Shikshan Prasarak Mandal, an organization registered with the Charity Commissioner, Bhandara (Registration No. 778/2001). Through this organization, she runs a Central Tribal Ashram School—a residential institution—which receives grants from the

Government of India (Ministry of Tribal Affairs, New Delhi); she also derives an annual income of Rs. 8 to 10 lakhs from the organization. Furthermore, the applicant serves as the Secretary of the 'Ashoka Backward Class Labour Cooperative Society' (registered under No. 409/2002), an organization that executes various development construction contracts, generating an annual income of approximately Rs.15 to 20 lakhs for her. Additionally, she owns a three-crop agricultural landholding (Gat No.734, measuring 0.93 hectares) at Mauza Kurjha, District Bhandara, which yields an annual income of approximately Rs.10 lakhs.

9. He has further submitted that, the respondent filed a petition (No. 470/2024) against the applicant at the Family Court, Nagpur, seeking a divorce under the Hindu Marriage Act; in these proceedings, the applicant had filed an application for maintenance under Section 24. Accordingly, an order was passed on March 4, 2026, directing the respondent to pay the applicant interim maintenance of Rs.4,000/- per month, as well as Rs. 500/- per hearing date towards travel expenses for the Nagpur case and Rs. 2,000/- towards the costs of the application.

10. He has further submitted that, the non-applicant

works as a laborer and does not own any immovable or movable property. Furthermore, his mother is elderly, and he bears the responsibility for her medical treatment. Furthermore, since the applicant is an earner herself, she is capable of maintaining herself as well as no family members are dependent on her income, the respondent is unable to provide any form of monthly maintenance or compensation to the applicant. Therefore he prayed to reject the application.

11. Considered the submissions of Ld. Advocates for respective parties. Proviso to section 144 of the Bharatiya Nagrik Suraksha Sanhita (in brief BNSS) gives the authority to the court to grant interim maintenance during the pendency of maintenance proceeding. Before making an order for interim maintenance, the following conditions must be satisfied.

- (i) The applicant must show that she is presently unable to maintain herself.
- (ii) The non-applicant/respondent appears to have sufficient means to provide maintenance.

12. In present matter, the marriage between parties is admitted. It is undisputed that, the parties have no child out

of marriage.

13. The applicant has made several allegations against the non-applicant. The non-applicant in his reply has denied all the allegations made by applicant. Those allegations are not to be adjudicated at the time of deciding this application. They must be proved and considered via cogent evidence during the trial. Presently it is necessary to see that, whether there is prima facie material to show that the non-applicant despite having sufficient income is refusing and neglecting to maintain the applicant.

14. The applicant has submitted that, she is presently living at her parent's house, her father and mother were expired in the year 2018 and 2021, her entire Streedhan is in the custody of non-applicant. She handed over to the non-applicant an amount of more than Rs.10,00, 000/- which was borrowed by her from her relatives. She has further submitted that the non-applicant has deserted her in the year 2023, since then she is living a life of begger.

15. The applicant in support of her contentions has filed her marriage invitation card, photographs of marriage, report lodged against the non-applicant at police station

Pauni, copy of FIR lodged under section 498-A of the Indian Penal Code against the non-applicant. Considering aforesaid material, it prima facie appears that, due to the trouble and harassment caused by the non-applicant she is living away from him.

16. The non-applicant has contended that, the applicant is earning the income of Rs.10 to 8 lakhs per annum from Sushma Shikshan Prasarak Mandal, Rs. 15 to 20 lakhs per annum from Ashoka Backward Class Labour Cooperative Society. Additionally she is also having an agricultural land bearing Gat No.734, measuring 0.93 hectares at Mauza Kurjha, District Bhandara, which yields an annual income of approximately Rs.10 lakhs. He has further contended that, the applicant has already been granted interim maintenance of Rs.4000/- from the Family Court Nagpur. Non-applicant has submitted that, he is a labour and not earning anything from it.

17. To substantiate of his contentions regarding income of the applicant, the non-applicant has filed copy of 7/12 extract of Gat No.734 situated at Mouza- Kurza, Tah. Pauni, Dist. Bhandara. Besides this, the non-applicant had not filed any document which shows that the applicant is

earning from the aforementioned Institutions/ Organizations. It can be seen that the applicant is having agricultural land in her name. However, the fact that merely an applicant is owning an agricultural land is not a ground to reject the interim maintenance in her favour. The non-applicant must show that the agricultural land actually generates income which is sufficient for the applicant to maintain herself. The non-applicant has failed to show that the applicant is earning income from the agricultural land. Therefore the contention of non-applicant that, the applicant is earning from her agricultural land cannot be accepted.

18. On the contrary, the applicant has filed tax receipt of house property situated at Kabir Nagar, Indora, Nagpur belonging to the non-applicant, revenue records of Survey No.135/1, 114/2, 282/9 situated in the State of Madhya Pradesh belonging to the non-applicant, business advertisement of Golden E-motors, business advertisement of the Finance Business of non-applicant.

19. On perusal of the aforesaid documents filed by the applicant, it appears that, the non-applicant is a Business Dealer dealing with Electric Motors and Finance. This prima facie shows that the non-applicant is earning sufficient

income. Further, the revenue records of the agricultural properties prima facie shows that the non-applicant is also earning income from agriculture. The non-applicant has claimed himself as an unemployed. However the aforesaid material is showing something else. Thus, it cannot be believed that the non-applicant is unemployed.

20. The non-applicant is the husband of Applicant. In his capacity as husband, it is his legal and moral responsibility to provide for the maintenance of applicant. It prima facie appears that, the non-applicant is financially capable and possesses sufficient means of income. The applicant is dependent on him therefore it is his legal and moral obligation to maintain her. While the non-applicant has responsibilities towards himself and his family, he cannot evade his responsibility towards the applicant.

21. The applicant has no source of income and is entirely dependent on the non-applicant. Therefore, it is necessary for the applicant to receive maintenance to cover living expenses, medical costs, and other expenditure. The final disposal of the case may take time. Considering the non-applicant's income and the applicant's needs, it would be just and proper for the non-applicant to pay interim maintenance

of Rs. 4,000/- per month to the applicant. Accordingly, I pass the following order.

ORDER

1. The application is partly-allowed.
 2. The non-applicant shall pay to the applicant a total monthly sum of **Rs. 4,000/-** as interim maintenance, without fail, from the date of filing this application until the final disposal of the matter.
 3. A copy of this order should be provided to the parties free of cost.
- (Dictated and pronounced in open court).**

Pauni.
Date : 18/06/2026.

Sd/-
(V. R. Farkunde)
Judicial Magistrate First Class
(Court No. 2), Pauni.

CERTIFICATE

I affirm that the contents of this P.D.F. file are same word to word as per original.

Name of the Court	:	Shri. V. R. Farkunde, J.M.F.C. (Court No.2), Pauni.
Name of the Steno	:	R. R. Kumbhalkar, Steno (Grade-3).
Order date	:	18/06/2026
Order signed by PO. on	:	18/06/2026
Order uploaded on	:	18/06/2026
