

MHBI040002582025



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Exhibit No. 14/A

SESSIONS COURT AT AMBAJOGAI DISTRICT BEED

(Presided over by : **Ajitkumar B. Bhasme**, Additional Sessions Judge,
Ambajogai, Dist. Beed)

CRIMINAL APPEAL NO. 11/2025

Shubham s/o. Mahadev Aade,
Age 27 years, Occ. Labour,
R/o. Gopalpur, Tq. Dharur, Dist. Beed.

Appellant

- VERSUS -

Kanchan w/o. Shubham Aade,
age 23 years, Occ. Household,
R/o. Sara Aakruti, Row House No.1,
Near Sai Mandir, Cidco-Waluj,
Mahanagar No.1, Aurangabad.
At/p. Laxman Sopan Jadhav,
Shriram Nagar, Nagzari Area,
Shepwadi, Tq. Ambajogai, Dist. Beed,

Respondent

Claim: Appeal u/s. 29 of Domestic Violence Act.

Advocates: Mr. M. L. Jadhav, for the Appellant.
Mr. R. S. Choure, for non-applicant No.1.

JUDGMENT

(Delivered on 21st May, 2026)

1. This is an appeal arising out of order below Exh.5 passed by the Judicial Magistrate First Class Ambajogai Court No.3 dated 01.03.2025 in Cri.M.A.No.178/2022, whereby the learned J.M.F.C. has granted interim maintenance to the applicant. (The appellant is the non-applicant No.1 and non-applicant No.1 is the applicant in the original application. They are referred to as applicant and non-applicant No.1).

2. The brief facts of the case are as follows.

The applicant is the legally wedded wife of non-applicant No.1. Their marriage was solemnized on 22/12/2018 at Ambajogai. They have begotten one son namely Shourya out of wedlock on 23/11/2019.

3. The non-applicant No.1 is owner of Motorcycle Spare Part making company by name and style as “Vaibhav Engineering” at Wadgaon, Aurangabad and earning Rs.30,000/- to 35,00,000/- per annum. He has also given one shop in his home on rent and getting Rs.10,000/- per month. After marriage the non-applicant treated her fairly for some days. Thereafter, non-applicant No.1 used to beat the applicant at the instigation of other non-applicants by demanding Rs.20,00,000/- for repayment of loan of the company. The non-applicant Nos.1 to 4 used to insult the applicant and abuse her. There was no change in behaviour of non-applicant after the birth of son Shourya. Non-applicant No.1 is addicted to liquor. He is also having illicit relations with one woman, therefore, she is deprived of sexual pleasure. She is under mental shock. Finally, on 17/11/2021 the non-applicant expelled her with her son for non compliance of their demand. Since then she has been residing at her parental home. She lodged a report at Ambajogai City police station and police registered Crime No.442/2021 punishable U/s.498-A, 323, 504, 506 of I.P.C.

4. The applicant has no source of income. She is unable to maintain herself and her son. The non-applicant No.1 did not provide any maintenance to the applicant. She has been leading her life in a miserable condition. Therefore, application for maintenance @ Rs.10,000/- per month.

5. The non-applicants contested the application by filing say at Exh.20. They denied averments in application except marriage and son. At the time of marriage non-applicant No.1 was 19 years old. The father of the

applicant was in service. She had a luxurious life. On the other hand non-applicant No.1 was working as labour from the beginning. The applicant is doing a fashion designing course. She used to say that she doesn't like non-applicant No.1 and her parents forced her for marriage. The applicant was not serving food to his family members. The applicant and her parents used to insult him by stating that the applicant is married to a beggar. The brother of the applicant used to beat him. The father, brother and other five to six persons have beaten up non-applicant No.1 therefore, he has lodged a report at Aurangabad. The applicant married again and visited Maleshia for fun. They finally prayed that if the applicant has filed a false application, it may be rejected.

6. The trial court after hearing both sides and going through the material on record partly allowed the application and directed that the non-applicant No.1 is directed to pay interim maintenance at the rate of 5,000/- per month to the applicant and also passed a protection order against non-applicants.

7. Being aggrieved and dissatisfied with the judgment and order passed by the trial court, the non-applicant No.1 has preferred this appeal.

8. Heard, the learned advocate for the applicant and non applicant. Perused the record and proceedings on record.

9. Following points arise for determination of this Court. Court records its findings thereon for reasons to be recorded below;

POINTS	FINDINGS
1) Whether the applicant Kanchan prima-facie establishes domestic violence against her by non applicants?	Yes.

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|---|---------------------|
| 2) Whether she is entitled for the interim relief of maintenance as prayed for? If yes, to what extent? | Yes. Rs.5000/- p.m. |
| 3) Whether the applicant is entitled to interim protection order against the non-applicants? | Yes. |
| 4) Whether the impugned order is just and proper or requires interference? | No. |
| 5) What order? | As per final order. |

REASONS

AS TO POINT NO.1:

10. In order to ascertain the applicant was an aggrieved person as per D.V. Act. She would need to prove prima-facie she was subjected to domestic violence when the applicant and non-applicants have lived together at any point of time in a shared household when they were related by marriage or through a relationship in the nature of marriage, adoption or are family members living together as a joint family.

11. There is no dispute about the marriage between applicant and non-applicant No.1 and birth of son. They have also not denied they had lived together at some point of time at her matrimonial home at Aurangabad. So, it shows that parties were in domestic relationships. At interim stage only to be seen as to whether prima-facie application discloses that, non-applicants have committed acts of domestic violence against the applicant. As per Section 3 of the D.V. Act, domestic violence means physical, sexual, verbal, emotional and economic abuse. In order to determine any act or omission or commission or conduct of non-applicants constitutes domestic violence then the oval all facts and circumstances of the case shall be the guiding factor.

12. As per applicant the non-applicants persistently harassed the applicant and subjected herself to domestic violence. As per applicant the non-applicant No.1 married again itself amounts to domestic violence. The non-applicants have been acquitted in R.C.C. No.413/ 2022 for the offence punishable U/s.498-A of I.P.C. Therefore, domestic violence is not proved against the applicant. It is also alleged by the non-applicant that they married again and this application is filed only to physically and mentally harass the non-applicant. In application the applicant averred that she was subjected to domestic violence by non-applicants by physically and mentally harassing her for demand of Rs.20,00,000/-. They also did not provide financial aid to her. The applicant has filed one photo of non-applicant No.1 with a girl while the non-applicant also filed a photo copy of applicant with a boy and translated mobile conversation. The both cited allegations against each other are on the basis of photo copies and mobile conversations which can be decided on merit after giving both sides a chance to lead evidence.

13. Now, about the acquittal of non-applicants of the offence punishable U/s.498-A, 323, 504 and 506 of I.P.C. the D.V. Act is beneficial legislation. It is not necessary to prove the case beyond reasonable doubt, but on preponderance probabilities. The acquittal from the case of Sec.498-A doesn't mean that domestic violence not at all occurred. As per this Court, application is supported with an affidavit. The harassment by demanding money from her parents and denying any financial aid to the applicant causes mental trauma to the applicant. So, these aforesaid instances prima-facie discloses the domestic violence by non-applicants. Therefore, this Court records its finding to point No.1 in affirmative.

AS TO POINT NO.2:

14. As per applicant she has no source of income. She is unable to maintain herself. On the other hand as per non-applicant No.1. He is ready

to cohabit with the applicant, but she has been residing separately on her own accord. As per non-applicant No.1 the applicant is doing a fashion designing Course and she has a source of income. On the other hand she denied the same. She also denied that she married again. As per non-applicant No.1 he is doing labour work. At this stage it is only necessary to see whether the non-applicant No.1 had made any arrangement for support of the life of the applicant. It has been discussed here-in-above that, the applicant prima-facie shows that she was subjected to domestic violence at the hands of non-applicants. It also prima-facie shows that, the non-applicant No.1 being husband did not provide basic amenities to the applicant for survival of her life. Therefore, as per this Court the applicant is entitled to interim maintenance order as per Section 23 of the D.V. Act. The Hon'ble Apex Court has issued some guidelines while granting reliefs under Section 23 of D.V.Act in case of **Rajesh Vs. Neha**.

- 1. The primary factors with respect to the applicant are the status of the parties; reasonable needs of the wife and dependent children; whether the applicant is educated and professionally qualified; whether the applicant has any independent source of income; whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home; whether the applicant was employed prior to her marriage; whether she was working during the subsistence of the marriage; whether wife was required to sacrifice her employment opportunities for nurturing the family, child rearing, and looking after adult members of the family; reasonable costs of litigation for a non working applicant.*
- 2. the primary factors with respect to non-applicant are the financial capacity of the husband, his actual income, reasonable expenses for his own maintenance, dependent family members whom he obliged to maintain under the law, liabilities if any would be required to be taken into consideration to arrive at the appropriate quantum of maintenance to be paid. The Court must have due regard to the standard of living of the husband, as well as spiralling inflation rates and high cost of living.*

15. In view of the above mentioned ratio, the parties were directed to file their affidavits of assets and liabilities. The applicant has filed the same at Exh.23 and non-applicant No.1 at Exh.28. In this case it is necessary to strike balance and the amount of maintenance should be reasonable, just and proper. The non-applicants have not produced any documents about the income of applicant from fashion designing. It appears that the non-applicant No.1 is labourer. The old parents and younger brother are depending on him. The applicant has not produced any document about the income of non-applicant No.1 from rent. The non-applicant No.1 has been residing at Aurangabad. Considering the average wages of a daily wage earner, he has been earning more than Rs. 15,000/- per month. So, the applicant is also liable to maintain her standard with the non-applicant No.1. So considering facts and circumstances of the case the applicant is entitled to maintenance at the rate of Rs.5000/- per month. Therefore this court records its finding to point No.2 accordingly.

AS TO POINT NO.3:

16. The applicant prima-facie shows that she was subjected to domestic violence. Therefore, it is necessary to pass protection orders against the non-applicants. Therefore, this court records its finding to point no.3 in affirmative.

AS TO POINT NO.4:

17. The trial Court, after appreciating material on record, rightly appreciated prima-facie evidence on the record and rightly passed the order. Therefore, as per this court, interference at the hands of this court is not warranted in the impugned order passed by the trial court. Hence, this court records its finding to point No.3 in the affirmative and proceeds to pass the following order.

ORDER

- A. The Criminal Appeal No.11/2025 is dismissed.
- B. The order passed below Exh.05 in Cri.M.A.No.178/2025 dated 01.03.2025 by learned Judicial Magistrate First-Class (Court No.2), Ambajogai is hereby confirmed.
- C. Inform learned trial court accordingly.

Place: Ambajogai.
Date : 21.05.2026.

(Ajitkumar B. Bhasme),
Additional Sessions Judge,
Ambajogai.

CERTIFICATE

“I affirm that all the contents of this PDF file are word to word as per original judgment/order”.

Dictated on 21.05.2026

Transcribed on 21.05.2026

Checked & Signed on 21.05.2026

Date : 21.05.2026 H. B. Suryawanshi
Steno Grade-1.